

1042

HJ

INTERIM FILES, JURY

Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

Common-law vicinage.—See Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

Vicinage in the historical sense is no longer a formal requirement. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The Alaska Constitution contains no formal provision for a jury of the vicinage. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The source of prospective jurors need not, in all instances, include residents of the place in which the crime was allegedly committed, for it is conceivable that the source of prospective jurors may exclude the scene of the alleged offense, yet still reasonably represent a cross section of the community which includes the scene of the offense. Thus, several decisions imply that selection of prospective jurors from a restricted area within a judicial district, even if the scene of the crime is omitted from that area, will be acceptable if there is no indication that the population of the restricted area differs significantly from the population of entire district. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The traditional starting point for determining the community from which jurors are to be selected is the scene of the alleged offense. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The legislature, has designated Alaska's four judicial districts as outer community boundaries for the purpose of selecting prospective jurors. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

Judicial districts are not necessarily the only acceptable communities for the purpose of jury selection. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The practice of selecting jurors from more limited areas within Alaska judicial districts has been upheld. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

It is the community in which the

crime was committed that the jury must represent. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The area surrounding the location of the crime may be excluded from the source of selection when it appears that an unbiased jury could not be drawn therefrom. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

Selecting jurors for cases arising within urban centers. — For cases arising from crimes allegedly committed within the various urban centers of Alaska, the maintenance of geographical limits currently in force will be acceptable; provided, of course, that selection within the given areas is not itself discriminatorily conducted. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

And for cases arising outside urban and non-native centers.—As for cases arising outside the urban and predominately non-Native centers of Alaska, two acceptable and feasible alternatives may be employed in selecting jurors. First, jurors may be selected from among residents of the entire judicial district in which the crime is alleged to have occurred. A second alternative, one which is perhaps at the same time more desirable and more workable than the first, would be selection of jurors from the senate election district in which the crime is alleged to have occurred. Either of these alternatives would be calculated to produce jury panels satisfying the constitutional requirement of impartiality. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

All differences among individuals need not be recognized. — All differences among individuals, or every conceivable group, in the community need not be recognized for the purpose of representation on juries. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The exclusion of all daily wage earners is inconsistent with the notion of a jury representing a cross section of the community. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

Systematic exclusion of women effectively negates the possibility of a jury representing a fair cross section

of the community. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

Selection of grand and petit jurors.—The provisions of this section and §§ 60 and 70 of this chapter permit each district to determine for itself questions pertaining to the selection of grand and petit jurors. *Crawford v. State*, Sup. Ct. Op. No. 312 (File No. 637), 408 P.2d 1002 (1965).

Jury selection procedures designed to insulate process from biases of officials.—Alaska's random and public jury selection procedures are designed to insulate the selection process from the personal interests and biases of governmental officials. *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

Mere claim of benefit did not sug-

gest officials biased.—The mere claim that officials conducting proceedings for selecting jurors which composed a condemnation trial panel stood to benefit from the construction of a new courthouse in no way suggested that those officials harbored any personal interest or bias against owners whose lots were to be condemned for the construction. *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

Presumption that official duty has been regularly performed.—See *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

Stated in *Irwin v. Radio Corp. of America*, Sup. Ct. Op. No. 421 (File No. 744), 430 P.2d 159 (1967).

C.J.S. reference.—50 C.J.S. Juries § 157.

Sec. 09.20.060. Use of jury box. The clerk of the court shall write the names included in the list on separate pieces of paper or prepare metal, plastic, or other types of pieces to correspond to numbers on the jury list. As directed by the court, he shall deposit the named or numbered pieces in the jury box in a number and manner to assure a fair and impartial drawing of the jury panel. The jury box and the named or numbered pieces may be examined by the parties or by an attorney authorized to practice law in the state within limitations and under conditions prescribed by the court. (§ 2.06 ch 101 SLA 1962)

Cross reference.—See Civ. R. 47.

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Stated in *Irwin v. Radio Corp. of America*, Sup. Ct. Op. No. 421 (File No. 744), 430 P.2d 159 (1967).

Cited in *Green v. State*, Sup. Ct. Op. No. 592 (File No. 1177), 462 P.2d 994 (1969).

Sec. 09.20.070. Public drawing for jurors for panel. Under the direction of the court the clerk shall conduct the public drawing of jurors for the panel by shaking the box to mix the named or numbered pieces. The clerk shall then draw as many names or numbers as are ordered by the court to fill the jury panel. If the name or number of a person is drawn from the box and the person is deceased, unqualified, disqualified, or the person's atten-

dance cannot be obtained within a reasonable time or may involve a large and unnecessary expense, and the fact appears to the satisfaction of the court through the use of questionnaires or otherwise, the court may reject the name of that person and direct that the name or number of another be drawn in his place. (§ 2.07 ch 101 SLA 1962)

Cross reference.—See Civ. R. 47.

Constitutionality.—This section is not violative of Alaska Const., art. I, § 11. *West v. State*, Sup. Ct. Op. No. 319 (File No. 572), 409 P.2d 847 (1966).

Names of persons for the jury panel are randomly selected from the jury list by the court clerk at a public drawing. *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

Summoning jurors from less than entire judicial district is discretionary.—The question of how the superior court is to make the decision as to whether jurors should be summoned from less than the entire judicial district is for the court to determine in its discretion. *Crawford v. State*, Sup. Ct. Op. No. 312 (File No. 637), 408 P.2d 1002 (1965).

The legislature has given to the superior court the power to determine whether jurors should be summoned from less than the entire judicial district. *Crawford v. State*, Sup. Ct. Op. No. 312 (File No. 637), 408 P.2d 1002 (1965).

And expense is standard which guides court.—The standard which guides the court in making a determination as to whether jurors should be summoned from less than the entire judicial district is whether a large and unnecessary expense is involved in obtaining jurors from all parts of the district. *Crawford v. State*, Sup. Ct. Op. No. 312 (File No. 637), 408 P.2d 1002 (1965).

Selecting only jurors residing within 30 miles of trial site held proper.—See *West v. State*, Sup. Ct. Op. No. 319 (File No. 572), 409 P.2d 847 (1966).

A grand jury selected from the city of Anchorage and an area within a 15-mile radius of the city is a jury which satisfies proper standards of jury selection. *Crawford v. State*, Sup. Ct. Op. No. 312 (File No. 637), 408 P.2d 1002 (1965).

The policy of calling jurors only from an area within a 15-mile radius of the city of Anchorage does not result in the exclusion from jury service of any particular and defined stratum of society so as to detract from the broad base that the jury system is designed to have. *Crawford v. State*, Sup. Ct. Op. No. 312 (File No. 637), 408 P.2d 1002 (1965).

It is not required that there be equal representation on juries of every economic social, religious, racial, political and geographical group of the entire judicial district in order to maintain the broad base that the jury system is designed to have. *Crawford v. State*, Sup. Ct. Op. No. 312 (File No. 637), 408 P.2d 1002 (1965).

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Cited in *Green v. State*, Sup. Ct. Op. No. 592 (File No. 1177), 462 P.2d 994 (1969).

Sec. 09.20.080. Jury panel. The jury panel for the trial of civil

cases consists of at least 24 jurors or more as determined by the court. If at any time the number of jurors on the panel falls below 24 or the regular panel is exhausted, the court shall order the clerk to complete the panel or secure additional jurors by drawing sufficient names from the jury box. (§ 2.08 ch 101 SLA 1962)

Cross reference.—See Civ. R. 47.

The law does not require the drawing of 24 names of those on the jury panel in impaneling a trial jury, but only, as provided by AS 09.20.090, a number "sufficient to name a jury of 12 unless the court directs otherwise." *Irwin v. Radio Corp. of America*, Sup. Ct. Op. No. 421 (File No. 744), 430 P.2d 159 (1967).

Waiver of right to challenge sufficiency of jury panel.—Where party participated in the selection of the jury and said nothing as to the panel being insufficient until after the jury had been selected and sworn, this constituted a waiver of whatever right such party may have had to challenge the sufficiency of the jury panel. *Irwin v. Radio Corp. of America*, Sup. Ct. Op. No. 421 (File No. 744), 430 P.2d 159 (1967).

Jury selection procedures designed to insulate process from biases of of-

officials.—Alaska's random and public jury selection procedures are designed to insulate the selection process from the personal interests and biases of governmental officials. *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

Mere claim of benefit did not suggest officials biased.—The mere claim that officials conducting proceedings for selecting jurors which composed a condemnation trial panel stood to benefit from the construction of a new courthouse in no way suggested that those officials harbored any personal interest or bias against owners whose lots were to be condemned for the construction. *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

Presumption that official duty has been regularly performed.—See *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

Sec. 09.20.090. Impaneling the trial jury. When a civil case which is to be tried by a jury is called for trial, the clerk shall draw from the trial jury box containing the names of those on the jury panel a number of names or numbers sufficient to name a jury of 12 unless the court directs otherwise. The prospective jurors shall be examined, challenged, and sworn as provided by rules of the supreme court. (§ 2.09 ch 101 SLA 1962)

Cross references.—See Civ. R. 47. See note to AS 09.20.080.

C.J.S. reference.—50 C.J.S. Juries § 192.

Sec. 09.20.100. Verdicts. In a civil case tried by a jury in any court, whether of record or not, not less than five-sixths of the jury may render a verdict, which is entitled to the legal effect of a unanimous verdict at common law. Special verdicts need not be concurred in by the same jurors. (§ 2.10 ch 101 SLA 1962)

Cross reference.—See Civ. R. 47.

Legislative committee report.—For legislative committee report on original bill, see 1969 *Herald Journal*, pp. 644, 906.

Stated in Khalili v. American Petroleum Corp., 49 F.R.D. 22 (D. Alas. 1969).

ALR and C.J.S. references.—State statute permitting verdicts by less

than twelve jurymen as applicable to action under Federal Employer's Liability Act, 12 ALR 713; 38 ALR 910.

Quotient verdict, 52 ALR 41.

Verdict as affected by agreement in advance among jurors to abide by less than unanimous vote, 73 ALR 93.

89 C.J.S. Trial §§ 486-487.

THE PETIT JURY SYSTEM IN ALASKA

PART I

JUROR SELECTION, QUALIFICATION AND PAYMENT

ABSTRACT: 1976 Petit juror costs in Alaska were over \$587,000. These costs will rise to over \$783,000 in 1977. This represents over \$1,000 per trial. In addition, it appears that our jury management system in Alaska is causing unwarranted inconveniences to our citizen jurors. This then is an arena for significant change.

Merle P. Martin
Manager of Technical Operations
Office of the Administrative Director
Alaska Court System

September 1977

The Petit Jury System in Alaska Part I Jury Selection,
Qualification and Payment.

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C.	Detailed Demographic Distribution from Jury Master List
D.	The Alaska Jury Statute

A. OBJECTIVES METHODOLOGY, AND SUMMARY OF CONCLUSIONS

The Setting:

There were 642 jury trials in the State courts of Alaska in 1976. Total cost for petit jurors was \$587,604. This represents an average cost per jury trial of \$915. At \$15 a juror per day, this equates to 61 juror days per trial. A common national objective for this statistic is that we should show less than 40 juror days per trial. If we could reach this desired level, we could save over \$200,000 a year in jury costs.

But minimizing costs is but one and, in our mind, the lesser objective. Those citizens on jury duty are guests in our courthouses for a small portion of their lives. The American, particularly western American, tradition for hospitality directs us to treat these guests with a minimum of inconvenience to them. In addition, it must also be remembered that these "guests" will vote in retention elections and on capital bond issues, and will contribute to the overall public impression of the justice system.

Yet, only 43 percent of Anchorage jurors questioned felt that scheduling of their time was good; one in five thought it poor. The figures for Fairbanks jurors were quite similar. And, just during the course of this study, we have answered inquiries about our jury system from the Anchorage Times, a TV station in Fairbanks, the Ombudsman's office, and a disgruntled juror in Kodiak. In addition, the Division of Legislative Audit has chosen to conduct an in-depth evaluation of jury management in Alaska. Something must be wrong for us to receive so much attention. At least we should find out if that is so. Such is the purpose of this study.

Methodology:

This report was originally designed to cover the entire spectrum of juror management; from selection to qualification to utilization to payment. But the Legislative Audit study coupled with a technical assistance visit on juror utilization from Bird Engineering in Virginia caused us to revise our organization. The studies of these two groups are centered on juror utilization. Thus, rather than generate three separate reports on the same subject, we decided to delay

our report on juror utilization to a later date and to include in that report the fundings and recommendations of the Division of Legislative Audit and Bird Engineering. This makes sense in that juror selection, qualifications and payment are a statewide responsibility or subject to statewide policy while juror utilization is a responsibility of the individual trial courts.

This part one report will then be followed by a part two report on juror utilization. In addition, we will develop a part three report recommending the development of a juror information system. The genesis for this third report was the difficulty we had in acquiring standard or, in some cases, any data at all relating to juror management. It is patently evident that one of the greatest problems we have in this area is that we don't know what we're doing or how we are or should be doing. The development of a statewide juror information system will go a long way to improving our performance in this vital area.

The remainder of this report is organized into the following sections:

- B. The Juror Process
- C. Juror Selection
- D. Juror Qualifications
- E. Juror Payment

Summary of Conclusions:

Following are the summary of conclusions and recommendations from sections C, D, and E.

C. Juror Selection:

- The three source lists used to form our jury master list compliment each other quite well and the contribution of each list is not overbalanced by the duplicate names they contribute.
- The three percent level of possible duplicate names on the list is quite acceptable and will be reduced even further in 1978.
- The use of more current addresses on the 1977 list should decrease the number of questionnaires returned by the post office.

- Given the number of jurors we use on trials per year and the size of our jury master list, an Alaskan citizen can expect to sit on a jury once every 58 years.
- Evidence does not support the conclusion that Native Alaskans, as well as other non-caucasians, are not sufficiently represented on the master jury list through the voters registration source list.
- The 1977 jury master list is underrepresented in the 19 to 24 year age category and overrepresented in the 25 to 34 year age category. We will conduct a separate analysis to determine if use of the Drivers License file as another source list will alleviate this problem.
- There appears to be a slight male bias on the 1977 jury master list. That bias seems acceptable and uncorrectable.
- List coverage seems to be at least 90 percent of the population over 18 years of age.
- A significantly greater than expected or desired rate of Anchorage and Fairbanks jurors had served more than once before. To help alleviate this problem, we recommend that once a person has completed jury service, he or she not be eligible for further jury service for a period of five years. This will increase the number of people serving totally, and decrease the numbers with multiple service.
- Overall, the data from this study, combined with similar data from other states and the observations of Mr. Thomas Munsterman from Bird Engineering, led us to the conclusion that our multiple list jury selection process is among the best in the country.

D. Juror Qualifications:

- The undeliverable rates for juror questionnaires are 40 and 52 percent for Anchorage and Fairbanks respectively. The use of certified mail for those questionnaires returned by the post office would decrease these undeliverable rates, but at too great a cost to the court system. However, we do recommend that all questionnaires returned by the post office be compared to the city phone directory and, when an exact name match is found, the questionnaires be sent to the new address. This will decrease the undeliverable rates for Anchorage and Fairbanks to 35 and 45 percent respectively; with an investment of eight hours per jury clerk per month.

- The new lower undeliverable rates of 35 and 45 percent are related to the transient nature of Alaska's urban population. These rates cannot be further lowered on a cost effective basis.
- The professional exemptions to jury service listed in AS 09.20.30 show very little validity. Therefore, we recommend all exemptions be deleted. Those now exempted would still have the opportunity to apply for an excusal or deferral of service. Adoption of this recommendation would place us in line with national trends to eliminate or reduce exemptions from jury service.
- Anchorage disqualifies jurors who are military or military spouses unless they are Anchorage residents or own property in the State. Fairbanks considers all military and military spouses eligible for jury duty. We recommend that the Fairbanks policy be adopted statewide.
- Our 30 day jury service period is among the highest in the nation; this leads to higher excusal rates. We recommend an experiment wherein the term of jury service in Anchorage is decreased to two weeks. This can be done within the provisions of the current statute and methods of jury selection. This test should run at least six months with a post evaluation concentrating on changes in excusal rates and juror attitudes.
- We recommend that current lenient juror deferral of service be continued with necessary controls against abuse established by the automated system. This recommendation is critical to that of eliminating exemption from jury duty.
- The Anchorage juror excusal rate is twice that of Fairbanks. We recommend a somewhat stricter excusal policy in Anchorage to be implemented in conjunction with the two week service test.
- A person's impression of jury service (and thus of the judicial process) increases very favorably once he or she sits on a jury for the first time. This impression increases only slightly thereafter on subsequent sittings. We recommend that the period of juror service be considered complete once the juror has sat on one trial. This will decrease the probabilities of any person selected not having sat on a trial; it will also increase the numbers of persons selected for jury service serving on one trial, and thus becoming favorably impressed with jury service. Finally, it will decrease the time inconveniences of extensive jury duty, thus reducing reluctance to serve.

- Implementation of the above recommendations coupled with the implementation of our revised automated systems will increase questionnaires yield rates from 26 percent to about 67 percent in Anchorage and from 32 percent to about 52 percent in Fairbanks. This would bring our yield rates in line with national expectations and would save approximately \$2,000 a year in questionnaire costs.

E. Jury Pay:

- Losing money while serving as a juror significantly decreases a persons' favorable impression of jury service (and possibly of the justice system as well).
- Massachusetts has implemented an incremental payment plan whereby the juror receives nothing for the first three days of service, then \$40 a day thereafter. This plan is being tested in Cambridge.
- Of the possible incremental payment plans we could implement in Alaska, we prefer \$10 a day for the first two days, then \$45 a day thereafter. This is a more liberal plan than that of Massachusetts; yet we would still save \$31,000 a year if it were implemented.
- We recommend that we observe the results of the Massachusetts test and, based upon its results, consider sometime in 1978 the adoption of an incremental payment plan such as the one mentioned above.
- In all locations but Juneau, we presently distribute warrants to State employees for jury service. They then return them to the Executive branch in Juneau. Besides the extra processing involved, this causes a \$36,000 inflation in our budget for jury costs. We recommend statewide adoption of the Juneau policy whereby State employees would not be paid for jury service unless there are special circumstances (e.g., leave taken for jury service).

B. THE JUROR PROCESS

The process of juror selection is comprised of the following elements:

- Annual creation of the Master Juror File;
- periodic selection of prospective jurors; and
- qualification of prospective jurors.

We shall briefly describe how each of these elements is handled in Alaska.

Annual Creation of the Master Juror File:

Before March 15 of each calendar year, the Voters Registration, Hunter and Trappers, and State Revenue lists (all residing on magnetic tape) are merged into a gross list of prospective jurors for Alaska Courts. Any one person may have had his or her name on two or all three lists. Indeed, it is possible that his or her name may occur more than once on the Voters list. Therefore, the gross list of prospective jurors must be matched, one name against another, to eliminate duplicate entries. The logic for eliminating duplicate names is described in Appendix A.

Using a computerized randomization technique (see Appendix B), the resulting list is assigned a random selection number for each entry (prospective juror) on the list and the list is sorted in random selection number sequence. Subsequently, then, if a court requests a thousand jurors, the next thousand on the list for that location can easily be selected. Prior randomization rather than randomization at time of selection offers the following advantages:

- data processing is more efficient since only a small portion of the list need be scanned. Randomization at time of selection requires addressing the entire range of the list each time a juror listing is required.
- In case of computer failure or emergency selection time frames not amenable to computer processing, a selection of the number of jurors needed can be done manually without violating statutory requirements of randomness.

The jury master file is now complete. It is then transferred to computer output microfilm (COM) tape and converted to microfiche. The microfiche venire lists are then sent to each judicial district as required by statute. Microfiche readers are available at these locations to allow the public or court personnel easy viewing of the venire list. A statewide master venire list (also on microfiche) is maintained by Technical Operations in Anchorage.

All of the computer processing is done on the IBM 370/135 computer located at the State Division of Data Processing facility on Tudor Road in Anchorage.

Periodic Selection of Prospective Jurors:

The frequency of juror selection varies statewide depending upon the volume of trials. In Anchorage and Fairbanks, volume is sufficient to require monthly selection. In Ketchikan and Juneau, selection covers a three month period. In some locations, one selection may be made for the entire year or when a trial occurs. The heterogeneous nature in Alaska, and thus of Alaska's courts, requires this type of flexibility.

Whatever the frequency may be, the process is essentially the same. The court sends a request for a jury to Technical Operations in Anchorage. The request is edited, then sent to the Division of Data Processing where it is keypunched and, along with the Jury Master file, input to the IBM 370/135 computer. The requisite number of jurors is then selected. Output from the computer includes:

- a list of selected jurors for court use;
- juror labels for court mailings, parking authorization, and other uses; and
- for the higher volume courts, ready to mail juror questionnaires for qualification purposes. For lower volume courts, questionnaires are stuffed into envelopes at the court location, a jury label is affixed to the envelope, and the envelope is mailed to the prospective juror. For the Anchorage Trial Courts only, a summons and information sheet is included with the questionnaire. This will be discussed in more detail below.

Qualification of Prospective Jurors:

The qualification process involves the separate steps of questionnaire prequalifications, issue of summons to those jurors qualified, and calling the summoned jurors to the jury assembly room for service. In Anchorage, we will combine the first two steps into one and evaluate whether the yield of jurors from our questionnaires increases. Experiences from other courts throughout the country indicate that our yield should improve. The inclusion of the summons in with the ready-to-mail questionnaires will also save the time spent in stuffing the summons in envelopes. If the Anchorage experiment is successful, we will expand the one service concept to other courts.

But presently, and for all courts but Anchorage under the revised automated system, the completed qualification questionnaires are sent out to prospective jurors and are returned to the jury clerk of the court concerned. If an excusal is requested, the presiding judge decides whether or not to grant the excusal. The authority to grant excusals is delegated totally or in part in many locations to jury clerks. If there is no request for excusal or such a request is denied, the prospective juror is added to the qualified jury file.

In the higher volume locations, before adding the juror to the qualified juror file, xerox copies of questionnaire data are made and sent eventually to the plaintiff and defense counsels to assist them in their interrogation of prospective witness at voir dire.

If an excusal is granted, a letter or phonecall notifies the prospective juror of his release from or deferral of service. Summons are manually prepared, computer produced labels are affixed to the envelopes, and the addressed summons are mailed from the court.

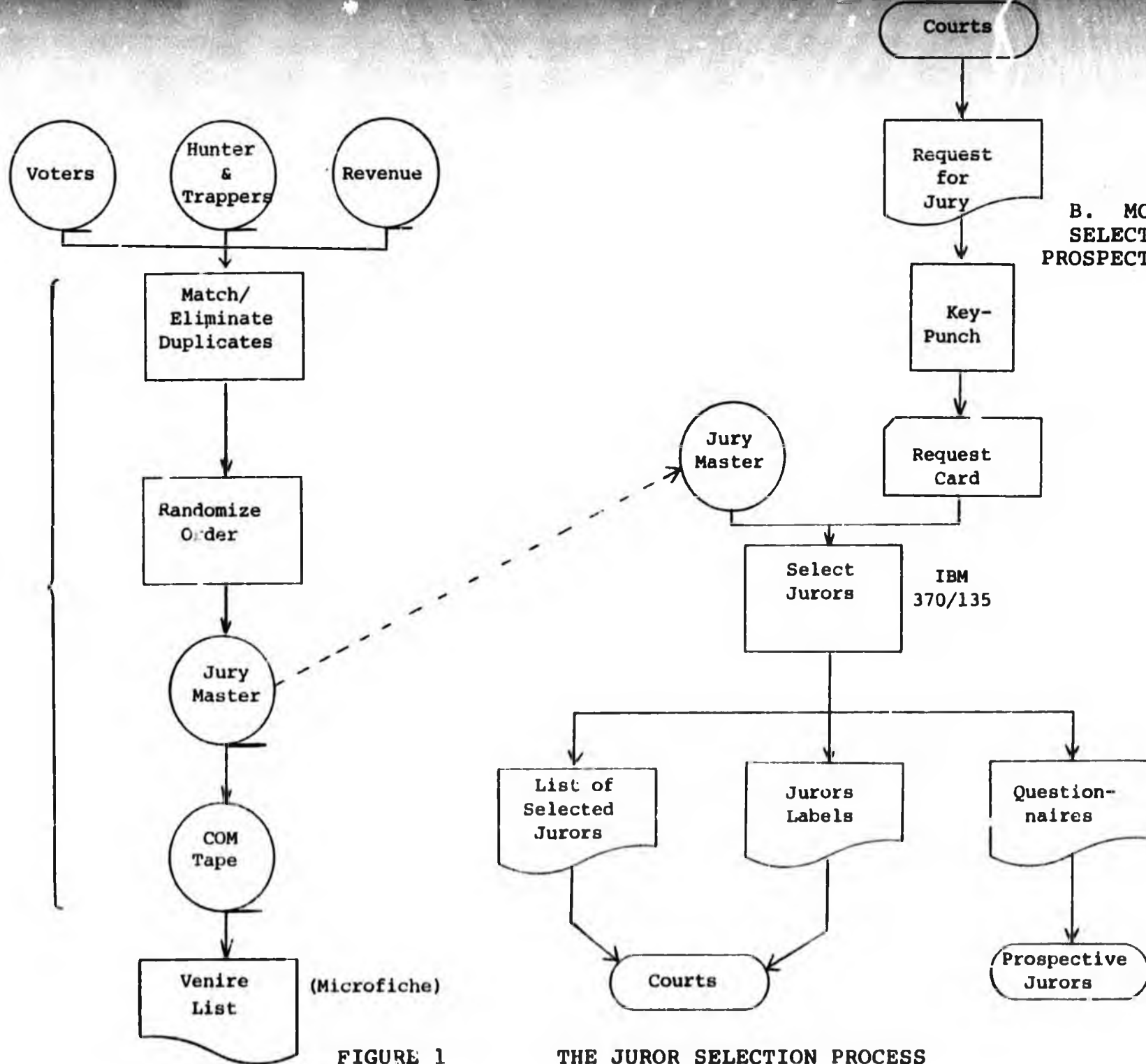
Under the revised automated system, if an excusal is granted, the identification of the juror and his excusal code will be entered via CRT terminal to the IBM 370/135. This computer will then print excusal verification notices which will be mailed to those prospective jurors granted excusals or deferrals. In Anchorage, the summons will be included in the original questionnaire sent to prospective jurors. However, about ten days before juror service begins, a reminder will be sent to all initially selected jurors not excused.

In other courts using the revised automated system, at a point in time one to two weeks before scheduled service, the IBM 370/135 will print summons for all jurors not excused (or where an excusal code has not been entered to the computer).

Finally, the juror is called for service whenever a trial is scheduled. In Anchorage and Fairbanks, a code-a-phone system allows the jury clerk to prerecord a message the day before indicating which jurors or panels of jurors will be required the next day. Jurors phone the given number to find out if they must appear the next day and only appear when instructed.

Figures one and two graphically illustrate the juror selection and qualification process in Alaska under our revised automated system.

IBM
370/135



B. MONTHLY
SELECTION OF
PROSPECTIVE JURORS

FIGURE 1

THE JUROR SELECTION PROCESS

C. QUALIFICATION OF PROSPECTIVE JURORS

12

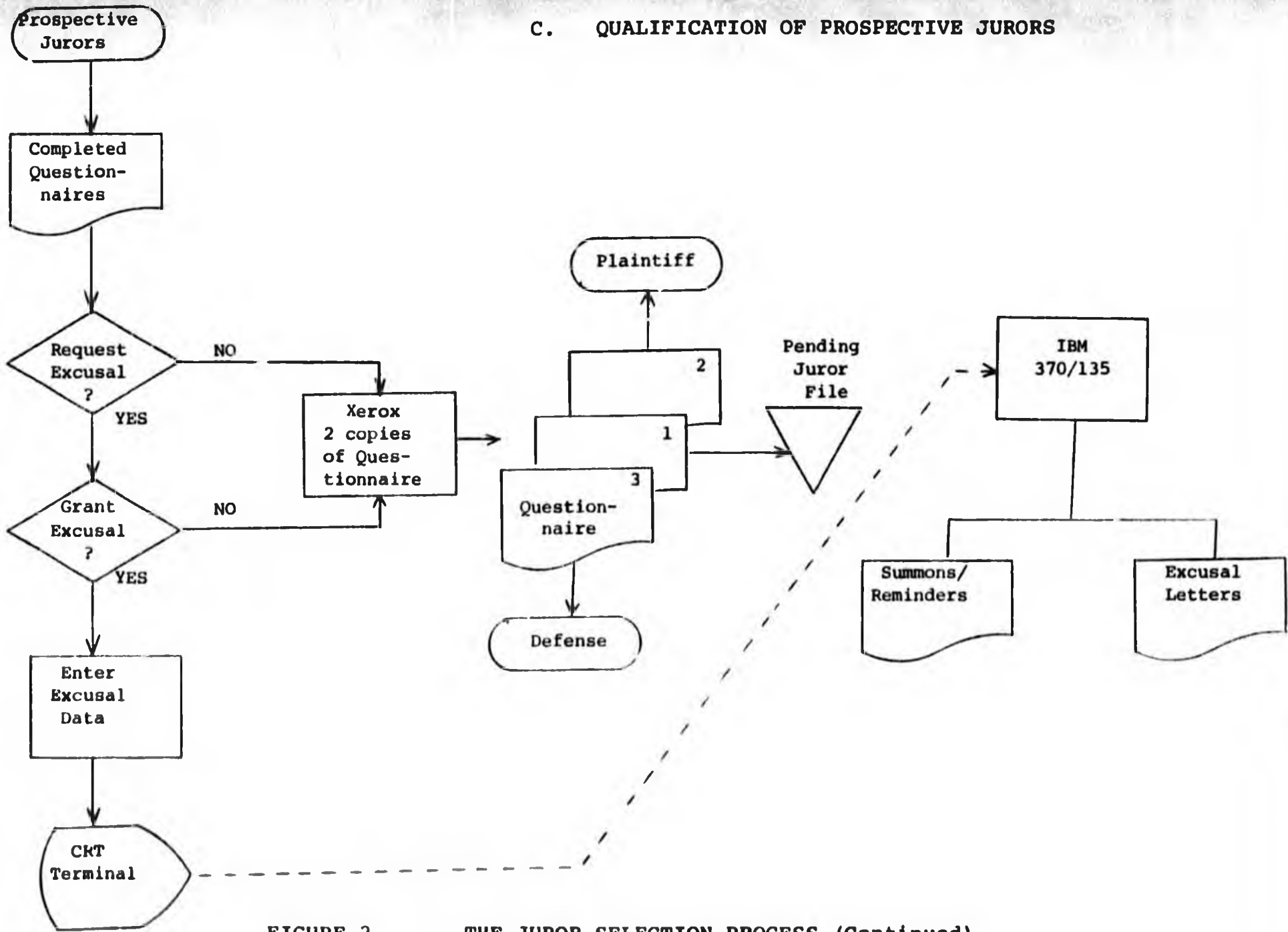


FIGURE 2 THE JUROR SELECTION PROCESS (Continued)

C. JUROR SELECTION

Our evaluation of juror selection includes the following topics:

- Single versus Multiple Lists
- Composition of the Master Jury List
- Effectiveness of Eliminating Duplicates
- Addresses
- Demographic Composition of the Master Jury List
- List Coverage
- Randomness of Selection
- Summary

Single Versus Multiple Lists:

Alaska is one of a select number of states to use multiple rather than single juror source lists. The advantages of using multiple lists are (1) the resulting combined list contains more names and thus provides better coverage, (2) the combined list may represent a better cross section of the population than any single list, and (3) use of the typical single list (voters registration) may be a disincentive for persons to be on that list - a person may choose not to vote because it would make he or her eligible for jury service.

The disadvantage of using multiple lists is that any one person may be on more than one list. Removing duplicates can be a tricky and time consuming process. If duplicates are not adequately removed, then the person concerned has a higher probability of being selected for jury service than persons with only one entry on the list. Let us keep these advantages and disadvantages in mind as we quantitatively explore the jury master list.

The three source lists combined contained almost 500,000 names in 1977 (Table C-1).

Table C-1
Source List Size

List	1976	1977	% Increase
Voters	168,137	204,048	21.3
Fish & Game	116,860	133,334	14.1
Income Tax (Rev.)	121,026	160,793	32.9
Total	406,023	498,175	22.7

The income tax list was a third larger for 1977. Total size for all three lists increased 23 percent from 1976.

Table C-2 shows the number of names on each list that were unique (not also found on another list).

Table C-2
Unique Names

List	1976	1977	% Change
Voters	100,712	85,075	-15.5
Fish & Game	53,921	43,788	- 2.1
Income Tax (Rev.)	43,214	48,549	+12.4
Total	197,847	177,412	-10.3

The total number of unique names decreased from 1976. That is to say, a large number of names found only on one list in 1976 found their way on at least a second list in 1977. Another way to look at this is that the 1977 list contained a greater ratio of duplicates than the 1976 list.

In evaluating the advisability of using multiple versus single source list, it is helpful to compute a nationally used statistic called List Effectiveness which is computed as follows:

$$\text{List Effectiveness} = \frac{\text{Number of Unique Names}}{\text{Total Source List Size}}$$

Table C-3 shows 1977 list effectiveness.

Table C-3
Source List Effectiveness

List	List Size	# Unique Names	Effectiveness
Voters	204,048	85,075	41.7
Fish & Game	133,334	43,788	32.8
Income Tax	160,793	48,549	30.2
Total	498,175	177,412	35.6

Note that total effectiveness is 36 percent with the effectiveness of each single list quite close to total effectiveness. This shows that the three listings compliment each other. Had, for example, the effectiveness of the three lists be 90%, 10% and 20% respectively, this would have shown that the lists did not complement each other -- that additions of the last two lists was not efficient.

Therefore, the above data shows that the three source lists compliment each other quite well and that the use of the three lists rather than any one alone is justified.

Although not germane to our study, the data from Table C-3 can also be viewed as follows:

- 85,000 Alaskans who voted did not purchase a fish and game license nor file an income tax return.
- 44,000 Alaskans purchased a fish and game license but did not vote nor file an income tax return.
- 48,000 Alaskans filed an income tax return but did not vote nor purchase a fish and game license.

Composition of the Master Jury List:

Table C4 shows the rate of duplicates eliminated from the source lists to produce the venire list.

Table C-4
Duplicates Eliminated

	<u>1976</u>	<u>1977</u>	<u>Percent Increase</u>
Original List Size	406,023	498,175	22.7
Duplicates Eliminated	116,113	181,248	56.1
Net List Size	289,910	316,927	9.3
% Duplicates	28.6	36.4	7.8

The number of duplicates eliminated increased 56 percent over 1976. The net list size increased nine percent. This demonstrates that an increase in the size of all three source lists may not be accompanied by an associated increase in the size of the jury master list. We may but be adding duplicates which then have to be removed.

The final composition of the jury master list by source is shown in Table C-5.

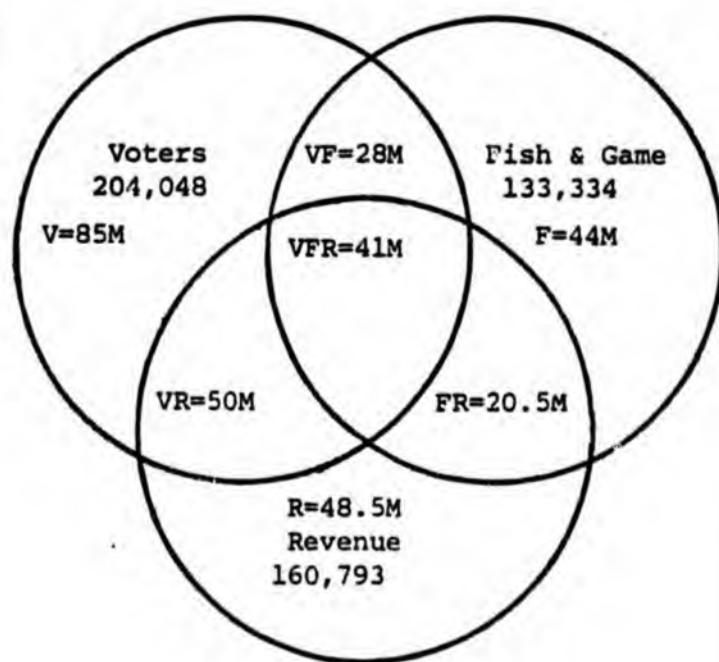
Table C-5
Composition of Master Jury List

List	1976		1977	
	No.	% of Total	No.	% of Total
Voters (V)	100,712	34.7	85,075	26.8
Revenue (R)	42,214	14.9	48,549	15.3
Fish & Game (F)	53,921	18.6	43,788	13.8
V + F	14,251	4.9	28,271	8.9
V + R	29,124	10.1	49,969	15.8
F + R	24,638	8.5	20,542	6.5
V + F + R	24,050	8.3	40,733	12.9
Total	289,910	100.0	316,927	100.0

Unique names on the voters list provided the largest source of names. The fish and game list unique names provided less than 14 percent of the names on the jury master list.¹

¹/An interesting sidelight to the data in the table is that only 49,969 Alaskans both registered to vote and paid income tax in the 1977 list. This represents less than 25 percent of all registered voters.

Figure C-1
Interrelationship of Source Lists



As stated above, the larger the number of duplicates to be eliminated, the more difficult is the task of building the master jury file. In addition, the greater are the chances duplicates will not be detected and persons will be entered more than once on the jury list. One must compare the coverage contribution of any one list with its associated disadvantage of introducing duplicates. Table C-6 shows this relationship.

Table C-6
List Contributions versus Duplicates

File Eliminated	% Decrease in size of Master Wheel	% Decrease in number of Duplicates
Voters	26.8	24.7
Revenue	15.3	22.3
Fish & Game	13.8	15.4

If we eliminated the voters list from consideration, the resulting master jury list would be 27 percent smaller and we would decrease our duplicate problems by 25 percent. We would trade 27 percent coverage for 25 percent less duplicates. If we eliminate the fish and game file, we would eliminate only 15 percent of our duplicates.

The above data indicates that the contribution of each list is not overbalanced by the duplicate names they contribute.

Effectiveness of Eliminating Duplicates:

As seen by the preceding tables, a large number of duplicate names are eliminated from source lists before the jury master list is produced. We must assess how effective this duplicate removing process is; in other words, how many duplicates still remain.

We selected 13 letters from the alphabet, extracted ten to twenty consecutive pages from the venire list for last names beginning with these letters, and manually reviewed these names for apparent duplicates. We found the following classes of apparent duplicates.

- A birth date on one record with two digits different.
For example:

	Name	Birthdate	Address
Record A	Jones, J.	9/7/39	520 Tye
Record B	Jones, Judy	9/7/41	520 Tye

- Two digits of a social security number transposed.
For Example:

	Name	SSN	Address
Record A	Marks, M.	552-48-2726	4455 Juneau
Record B	Marks, Mel	552-48-2762	4455 Juneau

On discussing these two types of duplicates with the Division of Data Processing, we discovered that program logic (See Appendix A) will detect these types of duplicates on comparing records from separate lists, but not in comparing records from the same list. The programs will be changed to catch these types of duplicates for the 1978 jury master list.

- Matching fields missing. For example:

	Name	Birth Date	Address	SSN
Record	James J	12/30/36	4852 Newcastle	
Record B	James Joe		4852 Newcastle	563-49-3827

It must be stressed that this type of occurrence is only a suspected duplicate. There may indeed be a father and son or another relative combination with the same first initial living at that address.

- Others to include different first name (e.g., Jim versus James), and addresses from different cities.

Table C-7 summarizes the duplicates found.

Table C-7
List Duplicates

Letter	Number of Names	Duplicates				Total	Percent Duplicates
		Birth Date	SSN	Match Missing	Other		
A	190	1	1	4	2	8	4.2
C	190	1	2	3	0	6	3.2
D	380	1	1	5	2	9	2.4
F	190	0	1	4	0	5	2.6
H	190	0	3	3	0	6	3.2
J	380	0	5	10	0	15	4.0
L	228	2	0	4	1	7	3.1
N	190	1	0	5	0	6	3.2
P	190	0	3	3	1	7	3.7
R	380	2	0	7	0	9	2.4
S	190	2	0	4	1	7	3.7
T	190	0	4	4	1	9	4.7
W	190	2	1	4	0	7	3.7
Total	3078*	12	21	60	8	101	3.3*

*Approximately one percent of the jury master list.

The largest category of duplicates was for matching fields not being on the record. It must again be stressed that these are only possible duplicates - they may be unique entries. Thus the duplication rate can be better described as being between 1.3 to 3.3 percent.

Virtually all of the match-missing duplicates are created by the lack of a social security number on one of the files. The duplicate rate is certainly acceptable and programming changes will probably decrease this rate to two percent.

Addresses: Addresses for names on the three source lists have not always been current. This has resulted in a great many questionnaires being returned from the post office or being delayed in the mail. This year we utilized the more current addresses in the Driver's License and Traffic Citation systems. Table C8 shows the result of this new address source.

Table C-8
Address Changes

List	Number on List	Number with Address Change*	Percent Address Change
Voters (V)	85,075	17,474	20.5
Revenue (R)	48,549	7,527	15.5
Fish & Game (F)	43,788	5,747	13.1
V + F	28,271	4,829	17.1
V + R	49,969	9,833	19.7
F + R	20,542	3,162	15.4
V + F + R	40,733	5,824	14.3
Total	316,927	54,296	17.2

*From Traffic and Drivers' License System.

Thus, 17 percent of the resulting addresses on the jury master file were updated to a more current address. This should decrease the number of questionnaires returned by the post office.

Demographic Composition of the Master Jury Lists:

One of the primary objectives of the jury master list is that, as much as is feasible, it should be demographically representative of the population. By demographically representative, we mean that the list distributions by race, age and sex should match as close as possible the actual population distributions. We will attempt to assess if that is so. In performing this assessment, we are faced with the following problems.

- None of the three source lists contain race data; Therefore, we cannot quantitatively assess race distributions.

- The Revenue list does not provide a sex code or birth date; therefore, we can only look at age and sex distributions for the portion of the jury master list fed by the Voters and Fish and Game files. This represents 85 percent of the total list.
- The only data with which we can compare the list distributions is that of the 1970 census. We suspect that major population changes may have occurred in this state during the past seven years; thus 1970 data can be considered suspect.

Although the above seem to be major problems, we shall see that the following data can still lead us to some important conclusions. Before we do this, however, let us discuss race coverage on the jury master list, even though no race data is available.

There has appeared no statistical evidence to support the conclusion that list coverage is unequal among races - that there is one or more race groups that have a significantly lower proportion of their population represented on the jury master list. But some have suggested that a larger proportion of Native Alaskans may not vote, may not have an income large enough to file State income tax, and do not need to purchase a fish and game license.

If this hypothesis is true, there would still seem to be no legal problem. Review of literature and court ruling should leave one to see that, by using these three lists, we have not systematically excluded any ethnic group. Members of all ethnic group always have the opportunity to vote. However, our objectives are operational as well as legal. We desire that our venire list represent maximum coverage of the population and be as demographically representative as possible.

Members of a low income Native Alaskan family could logically be assumed to disproportionately not file State income tax forms and therefore not be included on the Revenue file. Such families in the Yukon and selective other rural areas would not have to purchase subsistence fishing licenses and would therefore not be included on the fish and game file. The only remaining avenue for their inclusion on the master jury file would be via the voters registration list.

Table C-9 shows the number of voters registered as compared to 1975 population estimates for 27 of the 29 census districts throughout the State. Two of the census districts were omitted because of difficulties in converting election districts to census districts. Those locations marked with an

asterisk had a 1970 population with less than 50 percent caucasians. If we compare these census districts with the other caucasian preponderant census districts, we arrive at Table C-10.

Table C-9
Census to Voters

	1975 Estimated Population (1)	1974 Registered Voters (2)	Percent Registered Voters
Aleutian Islands	7,086	2,482	35.0
Anchorage	177,817	88,036	49.5
Angoon	481	334	69.4
*Bethel	8,576	3,613	42.1
*Bristol Bay Borough	1,914	524	27.4
*Bristol Bay Division	3,847	2,545	66.2
Corova-McCarthy	2,003	1,073	53.5
Fairbanks	55,517	34,155	61.5
Haines	2,069	887	42.9
Juneau	17,714	13,007	73.4
Kenai Peninsula Borough	15,621	9,993	64.0
Ketchikan	11,311	7,894	69.8
*Kobuk	4,548	2,258	49.7
Kodiak	8,801	4,798	54.5
*Kuskokwim	2,721	1,067	39.2
Matanuska-Susitna	12,462	7,169	57.5
*Nome	6,660	3,740	56.2
*Outer Ketchikan	1,764	797	45.2
Prince of Wales	2,502	1,055	42.3
Seward	3,149	1,493	47.4
Sitka	6,595	2,815	42.7
Skagway-Yakutat	2,732	1,331	48.7
Southeast Fairbanks	5,894	2,209	37.5
Valdez-Chitina-Whittier	9,639	5,689	59.0
*Wade Hampton	4,284	2,969	69.3
Wrangell-Petersburg	5,270	3,064	58.1
Yukon-Koyukok	8,423	3,783	44.9
Total	389,400	208,780	53.6

Table C-10
 Census to Voters
 by Percent Caucasian Category

Census Division with Caucasian Population	1975 Estimated Population	1974 Registered Voters	Percent Registered Voters
Less than 50%	32,400	16,989	52.4
50% or more	357,000	191,791	53.7
Total	389,400	208,780	53.6

It is apparent from this table that the data does not reflect significant differences in voting patterns between the caucasian dominated and non-caucasian dominated census divisions. The difference shown is not statistically significant. Therefore, the evidence does not support the conclusion that Native Alaskans as well as other non-caucasians are not sufficiently represented on the master jury list through the voter's registration source list.

Tables C-11 and C-12 show age distributions statistics for males and females.

Table C-11
 Female Age Distribution Statics

Location	Average Age		Median Age	
	1977 List	1970 Census	1977 List	1970 Census
Anchorage	34.2	36.6	34.1	34.3
Fairbanks	36.7	35.1	33.2	32.3
Juneau	39.0	40.8	35.3	39.1
Rest of State	39.3	39.5	35.6	37.1
Total	37.8	37.6	34.4	35.0

Table C-12
Male Age Distribution Statistics

Location	Average Age		Median Age	
	1977 List	1970 Census	1977 List	1970 Census
Anchorage	37.2	35.8	34.3	33.8
Fairbanks	36.8	32.8	33.6	25.4
Juneau	38.8	41.5	35.4	39.0
Rest of State	37.9	36.6	34.7	33.8
All But Fairbanks	38.1	37.4	34.9	34.6

Appendix C Contains detailed age distribution from which the above statistics were computed. For females on the jury master list, the average and median ages for the 1977 Jury Master list are quite close to those of the 1970 census in all categories. The one possible exception would be median ages for Juneau. But there is no consistent pattern of deviation; thus there appears to be no systematic deficiency of the list for females.

For the males, the average and median ages the 1977 list in Fairbanks is significantly higher than for the 1970 census; the opposite is true for Juneau. But again, there is no consistent trend. However, a closer look at the data in Appendix C does indicate a consistent tendency as shown in Tables C-13 and C-14.

Table C-13
Percentage of Females
in Selected Age Categories

Location	19 to 24		25 to 34	
	1977 List	1970 Census	1977 List	1970 Census
Anchorage	17.5	20.9	35.6	31.2
Fairbanks	19.1	27.0	37.1	31.6
Juneau	16.0	14.3	33.5	26.7
Rest of State	16.2	17.2	31.5	28.4
Total	17.4	20.1	34.5	30.0

Table C-14
Percentage of Males
in Selected Age Categories

Location	19 to 24		25 to 34	
	1977 List	1970 Census	1977 List	1970 Census
Anchorage	17.9	23.5	34.7	28.1
Fairbanks	18.0	39.2	37.3	25.8
Juneau	16.0	12.0	33.2	26.5
Rest of State	15.6	24.3	31.5	26.7
Total	17.1	26.1	34.0	27.1

With the exception of Juneau, all locations had a lesser percentage of 19 to 24 year olds on the 1977 list than on the 1970 census. For all locations, there was a higher percentage of 25 to 34 year olds on the 1977 Jury Master list. A closer look at the Juneau data reveals that the higher percentage of 25 to 34 year olds is accompanied by a reduction of those 55 and over, rather than those 19 to 24 as shown for other locations. This isolated Juneau phenomenon suggest a population departure from the 1970 census rather than demographic problems with the Jury Master list.

So it seems evident that the 1977 Jury Master list is underrepresented in the 19 to 24 age category and overrepresented in the 25 to 34 age category. This is not surprising since this is a common problem for jury lists throughout the country. Indeed, this underrepresentation of young people is the primary stimulus to using multiple lists. In our case, since we already use multiple lists, our only solution to this problem is to seek yet another list which will have a younger age distribution than our three current source lists. We will conduct a separate analysis to evaluate the feasibility of using the Drivers License list as an additional source list.

Finally, Table C-15 compares the percentage of males on the 1977 jury master listing as compared to the 1970 census.

Table C-15
Percent Males

Location	1977 List	1970 Census
Anchorage	56.4	53.2
Fairbanks	61.5	60.5
Juneau	54.2	50.1
Rest of State	59.4	58.6
Total	58.2	56.9

Unless the population since 1970 has become more male dominated in all locations of the State (and this seems intuitively unlikely), then there appears to be a slight male bias to the 1977 Jury Master list. This bias is probably introduced by the preponderance of males on the Fish and Game source list. The Drivers list would not appear to correct this bias and elimination of the Fish and Game list would eliminate the source list with the youngest age distribution, thus aggravating our age problem. Therefore, the male bias is small and uncorrectable. As we shall see in the next section, this bias is countered by the excusal process.

List Coverage:

One of the objectives of a master jury list is to include as many eligible citizens as possible so as to give the maximum number of persons the opportunity to serve as a juror. Broad coverage also decreases the chance of any one person serving so often as to impose an unfair hardship. A standard objective is that the list cover at least 90 percent of the eligible population. A problem with this criteria is that, between census years, it is difficult to estimate population totals.

Table C-16 shows estimated list coverage. Estimated eligible population was computed by multiplying the 1975 estimated population by the percent of the 1970 population 19 years or older.

Table C-16
List Coverage

Location	1975 Estimated Population	% 1970 Population Over 17	Estimated Eligible Population	List Size	Percent Coverage
Anchorage	177,817	60.3	106,692	137,455	128.8
Fairbanks	55,517	64.7	35,919	52,918	147.3
Juneau	17,714	60.9	10,787	16,281	150.9
Rest of State	153,586	58.2	89,387	107,563	120.3
Total	404,634	60.0	242,785	314,287	129.5

Even should we deduct the three percent duplications in the list and adjust for population increase from 1975 to 1977, the coverage would still be over 100 percent. This suggests two things.

- There is no evidence that list coverage does not exceed the 90 percent goal.
- The 1975 population estimates are understated, particularly for Fairbanks and Juneau.

As an aside to the purposes of this study, it would seem logical for population estimators to use our venire list as a primary source for their estimates. By deducting an allowance for duplicates, adjusting for the suggested biases towards males and against the 19 to 34 year age group, workable estimates could be derived.

Randomness of Selection:

Our final task is to determine if random selection of names from our jury master list does provide for equal probability of service for each person whose name is on the list.

Table C-17 shows the total number of jurors expected to be used in Alaska juries during 1977 (assuming a 10 percent increase in jury trials from 1976).

Table C-17
Expected 1977 Jurors
in Jury Box

Type Court	Type Case	Estimated Number of Jury Trial	Number of Jurors Per Trial	Total Jurors Required
Superior	Felony	130	13*	1,690
	Civil	53	12	636
District	Misdemeanor	492	6	2,952
	Civil	17	6	102
Total	N/A	692	7.8**	5,380

* 12 jurors plus one alternate
** Weighted average.

Since we have 314,287 names on our source list, then we will use 1.7 percent of our Jury Master list in the jury box in 1977. Stated in another way, any person on the Jury master list can be expected to serve on a jury once every 58 years. For Anchorage and Fairbanks specifically, persons in those areas could expect to sit in a jury box once every 54 and 39 years respectively as shown in Table C-18.

Table C-18
Anchorage and Fairbanks
Probabilities of Sitting on a Jury

Location	1977 Jury List Size	1977 Jurors Required*	Probability of Selection (3) - (2)	Expected Duration Between Selections (2) - (3)
Anchorage	137,455	2,560	0.019	53.7
Fairbanks	52,918	1,354	0.026	39.1

*1976 trials plus 10 percent increase.

Using data from the juror exit questionnaires, we computed the average ages of the jurors responding to be 39.4 and 38.1 for Anchorage and Fairbanks respectively. It is interesting to note that Table C-12 shows the average ages of the jury master lists to be 37.2 for Anchorage and 36.8 for Fairbanks. Those jurors remaining after the excusal process have an average age greater than those on the master list. We will discuss this phenomenon in detail in the next section.

Jury selection can be described as a binomial probability distribution in which, for Anchorage and Fairbanks, (1) the probabilities of sitting on a trial for any one year is 0.019 and 0.026 respectively; and (2) the number of years subject to selection is the average age of the jurors (39.4 and 38.1) minus the minimum age of selection (19) or 20 and 19 years respectively.

Using these parameters in a binomial distribution, we arrive at the probabilities of sitting on a trial in Anchorage and Fairbanks (Table C-19).

Table C-19
Probabilities of Sitting on
A Jury Between 19 and 39 Years of Age

Number Times Sat on Trial in 20 and 19 Years	Anchorage	Fairbanks
None	0.6676	0.6088
One	0.2725	0.3033
Two	0.0528	0.0744
Three or More	0.0071	0.0.35
Total	1.0000	1.0000

In Anchorage for example, over a 20 year period of eligibility for jury service, 67 percent of prospective jurors would not have sat on a jury, 27 percent would have served on one jury, five percent on two, and less than one percent on more than two.

If we assume that each juror selected for service and surviving the qualification process eventually sits on at least one trial during his or her period of service, then the jury exit questionnaires represent a sample of those who have sat on at least one trial. None of the jurors responding would then fall in the category of never having sat on a trial in 20 and 19 years respectively. Eliminating then the first row of Table C-19, we arrive at the probabilities of prior jury service for those having sat for at least one trial (Table C-20).

Table C-20
 Probabilities of Prior Service
 For Jurors Having Sat on a Jury

Prior Service	Anchorage	Fairbanks
None	0.8198	0.7753
Once Before	0.1588	0.1902
More than Once Before	0.0214	0.0345
Total	1.0000	1.0000

Therefore, for jurors responding to exit questionnaires in Anchorage and Fairbanks, we would expect 16 and 19 percent respectively to have served on jury duty once before; and two and three percent respectively to have served more than once before. Table C-21 compares these expectations to the data extracted from the exit questionnaires.

Table C-21
 Expected Versus Actual
 Prior Jury Service
 (% of all Jurors Serving)

Prior Service	Anchorage		Fairbanks	
	Expected	Actual	Expected	Actual
Once Before	15.9	13.2	19.0	16.7
More than Once Before	2.1	8.9	3.5	11.1
Total	18.0	22.1	22.5	27.8

Thus we see that a significantly greater percentage of jurors in both Anchorage and Fairbanks had served more than once before. Does this mean that the time randomness of selection from the master jury list is suspect?

No, I suggest it does not. First of all, in inspecting the data more closely, we found for both Anchorage and Fairbanks, that those who had served more than once before were significantly older than their counterparts.

This correlates with the higher average age of those responding to the exit questionnaires as compared with the total jury master list (see above). It appears, then, that from selection to actual serving on a jury, there occurs a change in the demography of the population. In other words, the qualifications process seems to disproportionately weed out those who are younger and have never before sat on a jury.

This is not surprising. Those who survive the qualifications screening process more than once would seem to have a higher probability of surviving it once again. They would seem not to have requested excusals for hardship, professional reasons, etc. They would not have been disqualified for not being a citizen or resident. So, the higher percentage of jurors serving more than once before seems the result of qualifications screening; rather than problems with the jury master list.

But there is a method by which we can decrease prior service percentages to bring them into line with what we would expect with a purely random situation. This is to extend the period of time between consecutive jury service. Currently a person is not eligible for jury service in any one year if he or she served the preceding year. If we changed this to, for example, not being selected if the person has served during the last five years, this would (1) decrease the proportion of jurors who have had prior service; and, (2) increase the numbers of individuals who have the opportunity to sit on a jury. As will be seen later, a person's satisfaction with the judicial process increases dramatically once he or she sits on a trial. It follows then that the more people we can offer the opportunity to sit on a trial, the more people there are who are satisfied with our system. On the other side of the picture, decreasing the prior service rate will serve to decrease the inconveniences of multiple service.

This option would have no effect upon the criteria of random selection. There are two types of statistical randomness. The first is random selection with replacement, where those selected are placed back on the list and have an equal opportunity to be selected the next time. The second type is random selection without replacement where, once selected, the person is not placed back on the list and thus is never selected again. We currently place those selected back on the list but, if they are randomly selected the next year, they are rejected. Whether the reject period is one year, five years, or whatever, our random selection method is a proper hybrid of the two types discussed above.

We recommended, therefore, that once a person has completed jury service, he or she not be eligible for selection again for five years.

Summary:

- The three source lists used to form our jury master list compliment each other quite well and the contribution of each list is not overbalanced by the duplicate names they contribute. Therefore, all three lists should be retained.
- The three percent level of possible duplicate names on the jury master list is quite acceptable and should be reduced even further on the 1978 list.
- The use of more current addresses on the 1977 list should decrease the number of questionnaires returned by the post office.
- Evidence does not support the conclusion that Native Alaskans as well as other non-caucasians are not sufficiently represented on the master jury list through the voter's registration source list.
- The 1977 jury master list is underrepresented in the 19 to 24 year age category and overrepresented in the 25 to 34 year age category. We will conduct a separate analysis to determine if use of the Driver's License file as another source list will alleviate this problem.
- There appears to be a slight male bias on the 1977 jury master list. That bias is acceptable and uncorrectable.
- There is no evidence that list coverage is not at least the desired 90 percent of the population.
- A significantly greater than expected or desired rate of Anchorage and Fairbanks jurors had served more than once before. The qualifications process seems to disproportionately weed out those who are younger and have never served before. To correct the prior service problem, we recommend that once a person has completed jury service, he or she not be eligible for further jury service for a period of five years. This will increase the numbers of people serving totally, and decrease the numbers with multiple service.

D. JURY QUALIFICATION

Qualifications:

When a jury pool is requested from Technical Operations, the necessary input is prepared for the IBM 370/135 to select the requested number of jurors from the pre-randomized jury master list. At the larger courts, self-mailing questionnaires are produced and mailed from Anchorage. The questionnaires, if received by the prospective jurors, are completed and returned to the respective jury clerk. Any requests for excusals from or deferral of jury service is made at that time. If granted by the presiding judge (or the jury clerk, if so delegated), then the prospective juror is notified of his excusal or deferred service date.

There are five categories for exclusion of a juror from service at the qualification point:

- Undeliverable, when either the juror cannot be located (questionnaire returned by post office) or the prospective juror is out of the state at the time of mailing.
- Disqualified, where the prospective juror is not qualified for jury duty due to being underage, a non-resident, a non-citizen or other reasons.
- Exempt, where the jury statute allows a person to exempt himself from jury duty if he is in certain professional classes such as doctor, lawyer, or teacher.
- Excused, where the prospective juror finds jury duty burdensome for rather permanent reasons such as advanced age or child care, and is excused from jury service for that reason.
- Deferred, where there is but a temporary burden of service on the prospective juror which can be alleviated if the service date is shifted. A prime example is that of fishermen with a short fishing season who desires to serve during the off-season.

Let us discuss each of these exclusions in turn. In order to do so, we have analyzed four months of 1977 exclusion data from Anchorage and Fairbanks. There was no such data available from other courts.

Undeliverable: Tables D-1 and D-2 show data for this category.

Table D-1
Anchorage Jury Undeliverable

<u>Undeliverable Type</u>	<u>4 Month Total</u>	<u>Monthly Average</u>	<u>% of Total</u>
Returned by Post Office	1423	355.75	81.9
Out of State	<u>314</u>	<u>78.50</u>	<u>18.1</u>
Total	1737	434.25	100.0

% of questionnaires sent 39.5

Table D-2
Fairbanks Jury Undeliverable

<u>Undeliverable Type</u>	<u>4 Month Total</u>	<u>Monthly Average</u>	<u>% of Total</u>
Returned by Post Office	1764	441.00	85.8
Out of State	<u>293</u>	<u>73.25</u>	<u>14.2</u>
Total	2067	514.25	100.0

% of questionnaires sent 51.7

Forty percent of Anchorage and 52 percent of Fairbanks questionnaires were undeliverable. Across the rest of the country, the undeliverable rate is rarely more than 30 percent. We took March questionnaires returned by the post office for Anchorage and compared the names against the city phone directory. The results for the 301 questionnaires reviewed were:

- 20 could not be compared because the address was not applicable to the city directory (e.g., Fort Richardson) or the name was incomplete (e.g., P. Smith).
- 47 were in the directory under an address different than that on the questionnaire. These are persons who have moved within the city of Anchorage.

- 75 were women's names whose full name was not in the directory, but whose last name was listed at least once under a man's name. These are possible married women whose phone is listed under a husband's name.
- One man's name was listed under the same address as that shown on the questionnaire.
- 158 names could not be found in the directory. These are persons who have moved outside Anchorage rather than within Anchorage.

Table D-3 summarizes the undeliverable questionnaires according to where the person had appeared to move.

Table D-3
Undeliverable Questionnaires
by Move Category

<u>Type of Move</u>	<u>Number</u>	<u>% of Total</u>
Within Area	47	22.8
Outside Area	<u>159*</u>	<u>77.2</u>
Total	206	100.0

*including the one man whose name was listed under the same address.

Thus, some 23 percent of the returned questionnaires which could be identified to a residence move represented a movement within the city. The undeliverables for this category were caused by non-current addresses rather than transience of the population. If we assume that this 23 percent would also be applicable to the remainder of the questionnaires (e.g., names of potential wives whose phone was under the husband's name) and to Fairbanks, and that we could somehow reach this group, the undeliverable rates in Anchorage and Fairbanks would drop to 32 percent and 41 percent respectively. These lower figures represent the transient nature of our population.

One method of reaching those who move within the jury area is to send all returned questionnaires a second time registered mail with a name search fee. The costs of this alternative are shown in Table D-4.

Table D-4
Costs of Sending Returned Questionnaires
Certified Mail

<u>Cost Type</u>	<u>Cost Per Questionnaire</u>	<u>Annual Amount</u>		<u>Total</u>
		<u>Anchorage</u>	<u>Fairbanks</u>	
Certified Mail	1.50	6,403.50	7,938.00	14,341.50
Name Search	1.00	4,269.00	5,292.00	9,561.00
Postage	.13	554.97	687.96	1,242.93
Less Questionnaire	<u>-.40</u>	<u>-1,707.60</u>	<u>-2,116.80</u>	<u>-3,821.03</u>
Total	2.23	9,519.87	11,801.16	21,321.03

The deduction of 40 cents for each questionnaire returned is the actual cost of the ready-to-mail questionnaires we use. The deduction results from the fact that, could we reach those persons who have moved within the jury area, we would need to send out fewer total questionnaires per month.

Using certified mail with a name search fee would cost us over \$21,000 annual identifiable costs in Anchorage and Fairbanks. Further costs which are not identifiable include stuffing and addressing envelopes, carrying them to the post office, and having the certification process performed there. The gain would be a decrease in the undeliverable rate from 40 percent to 32 percent in Anchorage and from 52 percent to 41 percent in Fairbanks.

While these decreases would be desirable, we do not believe they are worth \$21,000 a year plus additional workload on the jury clerks. Therefore, we do not recommend use of certified mail for those questionnaires returned by the post office.

A second alternative would be to use the city directory as we did. This would decrease the undeliverable rate from 40 to 35 percent for Anchorage and from 52 to 45 percent for Fairbanks. This would also save some \$600 a year in questionnaire costs. It would take approximately eight hours processing per month for each jury clerk in Anchorage and Fairbanks. This seems reasonable. Therefore, we recommend that all questionnaires returned by the post office be compared to the city directory. When an exact name match is found, the questionnaire should be sent again to the new address.

The Out-of-State category reflects those who do not state when they will return. They are eligible for subsequent selection at a later time.

Exemptions:

The exemption rate was only 1.3 percent for Anchorage and 1.1 percent for Fairbanks. If exemptions were eliminated, we would save only \$121 a year in questionnaires costs and would only negligibly increase our total questionnaire yield rate. However, from a philosophical point of view, it is questionable whether such exemptions should be continued. In states such as California, Texas, Massachusetts and Maryland they have been eliminated. The justifications for elimination has been philosophical rather than cost related.

Therefore, we believe it worthwhile to review each of our exemptions for possible deletion according to national trends. Let us look at each of them in this manner.

- A "judicial officer": In many states, federal judicial officers are not exempt for service on state juries. They can be excused or deferred if such a request is approved, but they do not automatically qualify for an exemption. State judicial officers are not exempted from federal jury service. It does appear to make sense that state judicial officers be exempted from state jury service because of the problems of a judge sitting on a jury in a fellow judge's court. Therefore, it would appear that the judicial exemption in AS 09.20.030 should be changed from "judicial officer" to "State judicial officer".
- "Any other civil officer of the state or United States whose duties are at the time inconsistent with his attendance or service as a juror." In Massachusetts, as an example, the Governor of the state is not exempt from jury service. Indeed, he wrote a letter to the legislature stating his willingness and desire to serve. He and other civil officers of the state can request excusal or deferral of service, but they are not automatically excluded from service. Given the rather liberal excusal and deferred service policies discussed below, and the fact that a civil officer's busy schedule does not appear to be more justifiable than that of, let's say, a ferry pilot, this exemption does not appear justifiable. Therefore, it appears that the "civil officer" exclusion should be deleted.

It must be stressed that the recommendations for deletion of this and other exclusions is closely tied to a relatively liberal excusal policy, a very liberal deferral of service policy, and a shorter term of service, all of which are recommended later in this section.

- "A minister of the gospel or priest of any denomination; a teacher in a university, college, academy, or school; a practicing physician; a practicing dentist. These exclusion make even less sense than do the three discussed above. Why should these classes be exempted when those of optometrists, CPA's, engineers, or sole proprietor businessmen are not. Again, given an opportunity for excusal or deferral of service, there seems to us no justification for an automatic exemption for these select "professional" classes. Therefore, it appears that the professional exemptions listed in AS 09.20.030(4) through (7) should be deleted.

The only exclusion remaining would then be for a state judicial officer. Since such officers would still have the opportunity to be excused or to have service deferred, and since this sole exemption might be viewed as self-serving, we recommend its deletion also. Therefore, we recommend that all exemptions from jury service as listed in AS 09.20.30 be eliminated. This would bring us into line with national trends in this direction, would eliminate juror dissatisfaction with such preferable treatment (as evidenced in exit questionnaires), and would seem logical and consistent. All classes whose exemption were eliminated would still have the opportunity for excusal and deferral of service. And, since an average juror serves no more than seven or eight days during his or her period of service, these classes would be subject to no more hardships than experienced by other professional and non-professional classes.

Disqualifications:

Tables D-5 and D-6 show data for this category.

Table D-5
Anchorage Jury Disqualifications

<u>Disqualification Type</u>	<u>4 Month Total</u>	<u>Monthly Average</u>	<u>% of Total</u>
Lost Civil Rights	12	3.00	2.8
Deceased	16	4.00	3.8
Non-Citizen	22	5.50	5.2
Previous Service	97	24.25	22.7
Outside 30 Mile Radius	113	28.25	26.5
Under Age	64	16.00	15.0
Non-Resident	99	24.75	23.0
Serving at U.S. District Court	2	0.50	9.5
Duplicate Questionnaires	<u>2</u>	<u>0.50</u>	<u>0.5</u>
Total	427	106.75	100.0

% of questionnaires mailed 9.7

Table D-6
Fairbanks Jury Disqualifications

<u>Disqualification Type</u>	<u>4 Month Total</u>	<u>Monthly Average</u>	<u>% of Total</u>
Lost Civil Rights	11	2.75	2.1
Deceased	21	5.25	4.0
Non-Citizen	20	5.00	3.8
Previous Service	218	54.50	41.6
Outside 50 Mile Radius	222	55.50	42.4
Under Age	27	6.75	5.1
Non-Resident	<u>5</u>	<u>1.25</u>	<u>0.1</u>
Total	524	131.00	100.0

% of questionnaires mailed 13.1

The largest categories of disqualification were for previous service and for outside the jury area (30 miles in Anchorage and 50 miles in Fairbanks). Our recently revised automated juror system should eventually eliminate all those disqualified for prior service. They will never be sent a questionnaire. As for the outside radius category, our more current address sources should reduce this category.

Note that the non-resident category accounted for less than one percent of Fairbanks disqualifications and 23 percent of Anchorage disqualifications. We found that this disparity represents a difference in philosophy between the courts. Anchorage disqualifies prospective jurors who are military or military spouses unless they are Alaska residents or own property in the State; Fairbanks does not. There should be some standard statewide policy on this matter. We recommend that the Supreme Court adopt the Fairbanks policy, since persons in military service are likely defendants in criminal and civil matters brought before the Alaska courts.

The under age category is somewhat inflated due to computer program logic that did not exclude 16 and 17 year olds from the Fish and Game list from the jury master list. This will be corrected for the 1978 venire list.

Excusals:

Tables D-7 and D-8 show data for this category.

Table D-7
Anchorage Jury Excusals

<u>Excusal Type</u>	<u>4 Month Total</u>	<u>Monthly Average</u>	<u>% of Total</u>
Child Care	105	26.50	15.6
Hardship	403	100.75	60.0
Medical	137	34.25	20.4
No Transportation	15	3.75	0.6
English Problem	7	1.75	0.*2
Religious Reasons	5	1.25	0.*2
Total	672	168.00	100.00

% of questionnaires sent 15.3

Table D-8
Fairbanks Jury Excusals

<u>Excusal Type</u>	<u>4 Month Total</u>	<u>Monthly Average</u>	<u>% of Total</u>
Advanced Age	11	2.75	3.1
Civil Officer	8	2.00	2.3
Child Care	11	2.75	3.1
Conscientious Objector	1	0.25	*.3
Leaving Area	65	16.25	18.6
Hardship	85	21.25	24.3
Hearing Loss	15	3.75	4.3
Medical	135	33.75	38.6
No Transportation	<u>19</u>	<u>4.75</u>	<u>5.4</u>
Total	350	87.5	100.0

% of questionnaires sent 8.8

The Anchorage excusal rate was almost twice that of Fairbanks. The main categories that differentiated Anchorage from Fairbanks were child care and hardship; more than three-quarters of Anchorage's excusals. We believe these excusals to be tied directly to our length of juror service. At 30 days, it is one of the highest in the country.

Many regions throughout our country are establishing or experimenting with lessor periods of service. There are two advantages to be gained by such decreased service. First, there is less hardship on the individual juror and thus the excusal rate for hardship, child care, and other reasons decrease. Secondly, more jurors have an opportunity for juror service. As will be shown later, this circumstance is to be desired.

The ideal for shortening service is the one-day one-trial system now an innovation in jury management throughout the country. In this system, the juror serves one day or one trial, whichever is longer. The logistics of this system are considerable, and considering our high and largely uncorrectable undeliverable rate, we fear implementation of that technique in Anchorage and Fairbanks as well as other locations would render chaos.

However, the high rate of child care and hardship excusals in Anchorage does seem to indicate a need to decrease service. While a juror there actually only serves seven or eight days out of the 30 possible, expectations of 30 day service undoubtedly lead to more requests for excusals of this type.

Therefore, we recommend an experiment wherein the term of service in Anchorage is decreased to two weeks. This can be done within the provisions of the current statute and methods of jury selection. This test should run at least six months with a post evaluation concentrating on changes in excusal rates and juror attitudes. If this test proves successful then we can expand it to (a) a lessor period of service in Anchorage, and/or (b) the same two week period of service in Fairbanks and perhaps other court locations. Based upon our previous recommendation of eliminating all exemptions, this recommendation is critical.

Deferred Service:

Table D-9 and D-10 show the rate and range of deferred service for the Anchorage and Fairbanks courts.

Table D-9
Anchorage Deferrals of Jury Service

<u>Months That Service was deferred</u>	<u>Number of Defendants in 4 Months</u>	<u>Monthly Average</u>	<u>% of Total</u>
1	109	27.25	14.27
2	182	45.50	23.82
3	136	34.00	17.80
4	100	25.00	13.09
5	72	18.00	9.42
6	66	16.50	8.64
7	62	15.50	8.12
8	26	6.50	3.40
9	10	2.50	1.31
10	1	0.25	0.13
Total	764	191.00	100.00

Table D-10
Fairbanks Deferrals of Jury Service

<u>Months That Service Was Deferred</u>	<u>Number of Deferrals in 4 Months</u>	<u>Monthly Average</u>	<u>% of Total</u>
1	17	4.25	3.5
2	118	29.50	24.6
3	78	19.50	16.3
4	71	17.75	14.8
5	69	17.25	14.4
6	51	12.75	10.6
7	35	8.75	7.3
8	17	4.25	3.5
9	6	1.50	1.3
10	4	1.00	0.8
11	4	1.00	0.8
12	4	1.00	0.8
More than 12	<u>6</u>	<u>1.50</u>	<u>1.3</u>
Total	480	120.00	100.0

There was an average of 191 deferrals per month in Anchorage and 120 per month in Fairbanks. Most of the deferrals were for two months. Sixteen percent of Fairbanks deferrals were for more than six months compared with 13 percent for Anchorage.

Deferrals require a suspense system, but this will be done automatically in the revised automated system. Thus, except for processing of the questionnaire, there will be no deferral workload on the jury clerks. Deferral of service increases juror convenience and thus juror satisfaction. We recommend the current jury deferral practices be continued with necessary controls (e.g., no multiple deferrals for any one juror) established by the automated system. Based upon our previous recommendation of eliminating all exemptions, thus leniency of deferrals is critical.

Summons:

There is no data available on the number of summons sent and those unclaimed, resulting in "no shows", or resulting in excusals. This data will be available under the revised automated system.

With the implementation of this system, Anchorage will have a combined questionnaire/summons process. This should decrease the number of questionnaires which require followup due to non-submittal. It will also save computer processing time required to produce summons and questionnaires separately.

Based upon our experiences in Anchorage, we will evaluate implementation of this combined process statewide.

Juror Yield:

This term refers to the percent of jurors having been sent questionnaires who show up for juror service. This yield is computed for Anchorage and Fairbanks in Tables D-11 and D-10.

Table D-11
Anchorage Yield Computation

Qualification

Number of Questionnaires Sent		4400	100%
Less:			
Undelivered	1737	39.5%	
Not Returned	0	0	
Total Non-Response	<u>1737</u>	<u>39.5%</u>	
Disqualified	427	9.7%	
Exempt	57	1.3%	
Excused	672	15.3%	
Total Excluded	<u>1470</u>	<u>33.4%</u>	
Total Qualified	1507		
Qualification Process Yield		<u>34.3%</u>	

Summoning

Number of Summons Sent		1507	100%
Less:			
Unclaimed/No Show/ Excused	246	16.3%	
Total Jurors Serving	1261		
Summoning Process Yield		<u>82.7%</u>	

Overall Yield

Qualification Process Yield	<u>34.3%</u>	X	Summoning Process Yield	<u>83.7%</u>
=	<u>28.7%</u>	+	Deferred From Previous Months	<u>17.4%</u>
=	<u>46.1%</u>			

Table D-12
Fairbanks Yield Computation

Qualification

Number of Questionnaires Sent		4000	100%
Less:			
Undeliverable	2067	51.7%	
Not Returned	0	0	
Total Non-Response	2067	51.7%	
Disqualified	524	13.1%	
Exempt	42	1.1%	
Excused	350	8.8%	
Total Excluded	916	22.9%	
Total Qualified	1017		
Qualification Process			25.4%

Summoning

Number of Summons Sent		1017	100%
Less:			
Unclaimed/No Show/ Excused	207	20.4%	
Total Jurors Showing	810		
Summoning Process Yield			79.7%

Overall Yield

Qualification Process Yield	25.4%	X	Summoning Process Yield	79.7%
	=		Deferred From Previous Months	12.0%
	=			32.2%

The "Not Returned" category is set to zero because of both courts' policy of following up on questionnaires not returned. The "Number of Summons Sent" is assumed to be the same as "Total Qualified". Under the revised automated system, this will surely be true. Summons "Unclaimed/No Show/Excused" was derived by subtracting "Total Jurors Showing" from "Number of Summons Sent".

The yield was 14 percent higher for Anchorage than it was for Fairbanks. This is attributable to the larger Fairbanks' undeliverable rate for questionnaires. Table D-13 shows typical yield rates for other courts throughout the country.

Table D-13
Court Juror Yield Rates

		COURTS									
		1	2	3	4	5	6	7	8	9	10
QUALIFICATION	UNDELIVERABLE	27	13	27	2	8	12	6	SUMMON DIRECTLY FROM MASTER WHEEL		
	NOT RETURNED	12	33	7	16	15	26	20			
	EXCLUDED	27	42	24	42	36	28	45			
	QUALIFIED YIELD	34	12	42	40	41	34	29			
SUMMONING	UNCLAIMED	22	8	4	3	4	21	1	20	18	11
	NO SHOW	5	8	2	2	4	6	2	10	10	6
	EXCLUDED	3	8	16	27	8	11	21	35	50	49
	POSTPONED	3	46	16	5	4	13	13	0	0	6
	SUMMONING YIELD	57	30	62	63	80	49	30	—	—	—
OVERALL YIELD		19	4	26	25	33	17	8	35	22	28

The term "Master Wheel" is the same as our Jury Master or Venire list.

The rates for Anchorage and Fairbanks are quite good by comparison, especially when you consider their high and uncorrectable undeliverable rate. A yield goal used nationally is 40 percent. However, an increase in our yield rates would decrease questionnaire and handling costs.

Table D-14 shows the number of questionnaires per month that will be saved with implementation of the revised automated juror system.

Table D-14
Decrease in Monthly Questionnaires Expected
Under Revised Automated System

<u>Category</u>	<u>Anchorage</u>	<u>Fairbanks</u>	<u>Total</u>
Deceased	2.00	2.50	4.50
Previous Service	24.25	54.50	78.75
Outside Radius	4.75	9.50	14.25
Under Age	<u>14.50</u>	<u>6.00</u>	<u>20.50</u>
Total	45.50	72.50	118.00

The fact that a person is deceased will be entered to the computer via cathode ray tube (CRT) terminal and the deceased person will not be selected again. This will eliminate "repeat" excusals in this category which we are told are as high as 50 percent. With the 17.2 percent of new address from AJIS, we hope to improve the "Outside Radius" by that percentage. The Jury Master list will be annotated when a juror has served and that juror will not be selected again. Finally, those under age will automatically be left off the jury selection list. We estimate some 10 percent will still be selected due to age not appearing in all source list entries.

These system changes will save some \$566 in questionnaire costs per year. The new yield rates will be 51 percent for Anchorage and 40 percent for Fairbanks; our previous recommendation on checking questionnaires returned from the post office against city phone directories should further raise these yield rates to about 51 percent and 46 percent respectively. The recommendations on deletion of exemptions should have little effect on yield rates.

The Anchorage Excusal rate of 15 percent and Total Excluded rated of 33 percent could be improved. We recommend somewhat stricter excusal policy in Anchorage to be implemented in conjunction with the two week service test.

Completion of Juror Service:

This topic is not normally considered within the qualification process, but since we have already discussed the length of juror service, it seems appropriate to discuss when juror service is considered to be complete.

Presently, a juror's service is considered to be complete on the day ending the period of service. At the completion of service, the juror may not have yet sat on a jury or may have sat on as many as eight or nine juries. Our analysis of exit questionnaires completed by Anchorage and Fairbanks jurors has led us to consider an alternative to this method of marking an end to juror service.

Table D-15 shows the number of times the 180 Anchorage respondents actually sat on trials.

Table D-15
Anchorage Frequency of Sitting as a Juror

<u>Times Sat as Jurors</u>	<u>Number of Jurors</u>	<u>Percent of Jurors</u>	<u>Cumulate Percent</u>
0	46	25.6	25.6
1	75	41.7	67.3
2	44	24.4	91.7
3	11	6.1	97.8
More than 3	<u>4</u>	<u>2.2</u>	100.0
Total	180	100.0	

There is no way under a code-a-phone system to control the completion of the questionnaire coinciding with the completion of jury service. Therefore, the data from the above table does not represent a month-long distribution of service. The 46 persons who had not yet sat as a juror may have subsequently sat later in the month. However, the data from Table D-15 will be useful in investigating juror attitudes.

One section of the questionnaire queries the juror as to his impression of jury service. It reads as follows:

8. After having served, what is your impression of jury service? (Answer one)
- A. The same as before--favorable —
 - B. The same as before--unfavorable? —
 - C. More favorable than before? —
 - D. Less favorable than before? —

The Anchorage results for this question are shown in Table D-16 stratified by the number of times the person sat as a juror.

Table D-16
Impressions of Jury Service
By Times Sat as a Juror

Time Sat as Juror	Same Favorable A	Same Unfavorable B	More Favorable C	More Unfavorable D
0	19	7	7	5
1	27	1	26	4
2	21	-	21	-
More than 2	<u>7</u>	<u>-</u>	<u>8</u>	<u>-</u>
Total	74	8	62	9

Almost all of the jurors questioned in Fairbanks served on one trial. Thus this type of analysis can not yet be done for that court. Table D-16 shows, that there were no unfavorable responses for Anchorage jurors having sat as a juror two or more times.

Table D-17 summarizes the favorable and unfavorable responses.

Table D-17
Type Response by Number of Times
Sat as Juror

Times Sat as Juror	Favorable A+C	% of Total	More Favorable C	% of Total
0	26	68.4	7	18.4
1	53	91.4	26	44.8
2	42	100.0	21	50.0
More than 2	<u>15</u>	<u>100.0</u>	<u>8</u>	<u>52.3</u>
Total	136	88.9	62	40.5

We see that, for those persons having not yet sat as a juror, the percent of favorable responses (A and C) was only 68 percent and the percent answering "more favorable than before" was only 18 percent. The lower rates for this group were statistically tested and found to be highly significant. Thus, a person's impression of jury service increases very favorably once he or she sits for the first time as a juror. Continued trial sittings further increase the favorable response rate, but only slightly. Curiously, the number of times the person was "rejected" from jury service (went to the courtroom but was not selected) had no effect upon that person's impression of jury service.

In Anchorage, there were enough responses to further analyze their 89 percent favorable (A and C) response. The only other relationship that correlated to whether or not a juror answered favorably was that blue collar workers tended to have a less favorable response towards jury service (Table D-18).

Table D-18
Blue Collar Worker
Impression With Jury Service

<u>Impression</u>	<u>Blue Collar</u>		<u>Other</u>	
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
Favorable - Same (A)	8	28.6	69	50.4
Unfavorable - Same (B)	5	17.9	4	2.9
More Favorable (C)	11	39.3	58	42.3
More Unfavorable (D)	<u>4</u>	<u>14.2</u>	<u>6</u>	<u>4.4</u>
Total	28	100.0	137	100.0
Total Favorable	19	67.9	127	92.7

Five of the nine blue collar workers dissatisfied had lost pay. But this only explained part of their dissatisfaction (Table D-19).

Table D-19
Blue Collar Worker
Impressions For All Juror Who Had Not Lost Money

	<u>Blue Collar</u>	<u>Other</u>
Favorable (A+C)	19	127
Unfavorable (B+D)	<u>4</u>	<u>7</u>
Total	23	134
Favorable Rate	82.6	94.8

So money alone was not the reason for dissatisfaction. But when we analyze the number of trials in which blue collar workers were involved, we see the underlying reason (Table D-20).

Table D-20
Blue Collar Worker
Trial Rates

<u>Impression</u>	<u>No Trial</u>	<u>At Least One Trial</u>	<u>Trial Rate</u>
Favorable	7	15	68.2%
Unfavorable	<u>8</u>	<u>2</u>	<u>20.0%</u>
Tot l	15	17	53.1%

Sixty-eight percent of those who were favorable to jury service had sat on at least one trial. Only 20 percent of those whose impression was unfavorable had sat on a trial. Blue collar workers averaged 0.81 trials per juror as compared with 1.37 trials for other jurors. This then amplifies the conclusion that juror attitudes towards jury service improve once the first trial is experienced. It also shows that blue collar workers seem to have more difficulty reaching that first trial.

We recommend, therefore, that the period of juror service be considered complete once the juror has sat on and completed one trial, this will

- decrease the probabilities of any person selected for jury duty not serving on a trial (there were several negative comments by jurors relating to not having had a chance to serve as a juror).
- increase the numbers of persons selected for jury service, serving on one trial, and becoming favorably impressed with jury duty (and thus the justice system). The increase would be over 1,000 more citizens serving and sitting on trials per year. This is a 20 percent increase over current figures.
- decrease the time inconveniences of jury duty thus reducing reluctance to serve. This should decrease our excusal rates.
- alleviate the fears of many associated with the justice system pertaining to the "trained" trial jury.

Summary:

- The undeliverable rates for juror questionnaires are 40 and 52 percent for Anchorage and Fairbanks respectively. The use of certified mail for those questionnaires returned by the post office would decrease these undeliverable rates, but at too great a cost to the court system. However, we do recommend that all questionnaires returned by the post office be compared to the city phone directory and, when an exact name match is found, the questionnaires be sent to the new address. This will decrease the undeliverable rates for Anchorage and Fairbanks to 35 and 45 percent respectively; with an investment of eight hours per jury clerk per month.
- The new lower undeliverable rates of 35 and 45 percent are related to the transient nature of Alaska's urban population. These rates cannot be further lowered on a cost effective basis.
- The professional exemptions to jury service listed in AS 09.20.30 show very little validity. Therefore, we recommend all exemptions be deleted. Those now exempted would still have the opportunity to apply for an excusal or deferral of service. Adoption of this recommendation would place us in line with national trends to eliminate or reduce exemptions from jury service.
- Anchorage disqualifies jurors who are military or military spouses unless they are Anchorage residents or own property in the State. Fairbanks considers all military and military spouses eligible for jury duty. We recommend that the Fairbanks policy be adopted statewide.
- Our 30 day jury service period is among the highest in the nation; this leads to higher excusal rates. We recommend an experiment wherein the term of jury service in Anchorage be decreased to two weeks. This can be done within the provisions of the current statute and methods of jury selection. This test should run at least six months with a post evaluation concentrating on changes in excusal rates and juror attitudes.
- We recommend that current lenient juror deferral of service be continued with necessary controls against abuse established by the automated system. This recommendation is critical to that of eliminating exemptions from jury duty.

- Anchorage juror excusal rate is twice that of Fairbanks. We recommend a somewhat stricter excusal policy in Anchorage to be implemented in conjunction with the two week service test.
- A person's impression of jury service (and thus of the judicial process) increases very favorably once he or she sits on a jury for the first time. This impression increases only slightly on subsequent sittings. We recommend that the period of juror service be considered complete once the juror has sat on and completed one trial. This will decrease the probabilities of any person selected not having sat on a trial; It will also increase the numbers of persons selected for jury service, serving on one trial, and thus becoming favorably impressed with jury service. Finally, it will decrease the time inconveniences of jury duty, thus reducing reluctance to serve.
- Implementation of the above recommendations coupled with the implementation of our revised automated system will increase questionnaire yield rates from 46 percent to 67 percent in Anchorage and from 32 percent to about 52 percent in Fairbanks. This would bring our yield rates in line with national expectations and would save approximately \$2,000 a year in questionnaire costs.

E. JUROR PAY

Loss of Money:

Our juror surveys showed that 18 percent of those in Anchorage and 21 percent of those in Fairbanks lost money while serving on jury duty. This is compared to a common national objective of less than 10 percent. The average amount lost was \$309 in Anchorage and \$228 in Fairbanks. The average number of hours served for those losing money was 12 for Anchorage and Fairbanks. Obviously, the recent increase in juror fees from \$15 to \$20 will do relatively little to decrease the percent losing pay.

All of the Fairbanks jurors queried had favorable reactions to jury service. But only two of the fifteen losing pay answered that their impression of jury service was "more favorable" than before. More than a quarter of those not losing pay responded with the "more favorable" impression.

This pattern is even more pronounced in Anchorage as shown by Table E-1.

Table E-1
Anchorage Juror Impressions
versus Pay Loss

<u>Impressions</u>	<u>Those Who Lost Pay</u>	<u>Those Who Didn't</u>	<u>Total</u>
A Favorable	9	68	77
B Unfavorable	3	6	9
C More Favorable	14	55	69
D More Unfavorable	4	6	10
Total	<u>30</u>	<u>135</u>	<u>165</u>
A+C Total Favorable	23	123	146
% Total Favorable	77%	92%	89%

The percent responding favorably in Anchorage is significantly higher for those who did not lose pay. Thus, as might be expected, losing money while serving as a juror significantly decreases a person's favorable impression of jury service (and possibly of the justice system as well).

We must then evaluate different payment strategies for the sake of fairness and also to increase juror satisfaction.

Pay Distributions:

Tables E-2 to E-5 show juror pay data available for this fiscal year.

Table E-2
Anchorage Juror Pay

Month	Number Jurors Paid	Payment Amount	Average Pay Per Juror	Average Days Service
July	436	21,187	48.59	3.24
August	513	16,980	33.10	2.21
September	506	22,665	44.79	2.99
December	370	10,860	29.35	1.96
January	539	20,790	38.57	2.57
February	506	16,875	33.35	2.22
April	557	25,845	56.40	3.09
Total	3,427	135,202		
Average	489.6	19314.6	39.45	2.63

Table E-3
Fairbanks Juror Pay

Month	Number Jurors Paid	Payment Amount	Average Pay Per Juror	Average Days Service
July	170	6,360.00	37.41	2.49
August	277	7,860.00	28.38	1.89
September	310	10,282.50	33.17	2.21
October	442	11,533.00	26.09	1.74
November	312	12,397.50	39.74	2.65
December	381	14,983.40	39.33	2.62
January	314	15,597.90	49.67	3.31
February	365	8,985.00	24.62	1.64
April	259	4,882.50	18.85	1.26
Total	2,830	93,811.80		
Average	314.4	10423.5	33.15	2.21

Table E-4
Other Third Judicial District Juror Pay

Month	Number Jurors Paid	Payment Amount	Average Pay Per Juror	Average Days Service
July	32	1,005.00	31.41	2.09
August	141	3,330.00	23.62	1.57
September	251	8,520.00	33.94	2.26
October	37	1,815.60	49.07	3.27
December	133	3,060.00	23.01	1.53
January	191	6,622.50	34.67	2.31
February	221	6,495.00	29.39	1.96
April	99	1,640.52	16.57	1.10
Total	1,105	32,788.62		
Average	157.9	4684.1	29.67	1.98

Table E-5
Other Fourth Judicial District Juror Pay

Month	Number Jurors Paid	Payment Amount	Average Pay Per Juror	Average Days Service
July	54	757.50	14.03	0.94
August	49	630.00	12.86	0.86
October	23	285.00	12.39	0.83
November	59	922.50	15.64	1.04
December	133	2,362.50	17.76	1.18
January	26	307.50	11.83	0.79
February	22	247.50	11.25	0.75
April	46	562.50	12.23	0.82
Total	412	6,075.00		
Average	51.6	759.38	14.75	0.98

These are the only locations operating on the automated juror payment system and thus the only ones for which we have data. Some of the monthly accounting reports could not be located, thus explaining some months not being represented in the above tables.

For the courts shown above, Table E-6 shows a distribution of the number of days service paid for during the first part of this calendar year. This distribution is based on two months data.

Table E-6
Days of Service Distribution

Days of Service	Anchor- age	Fair- banks	Other 3rd District	Other 4th District	Total	% of Total	Cumu- lative %
1/2	189	202	197	41	629	25.8	25.8
1	176	165	129	68	538	22.1	47.9
1 1/2	77	54	46	12	189	7.8	55.7
2	83	62	63	10	218	9.0	64.7
2 1/2	76	38	43	-	157	6.5	71.2
3	81	28	34	6	149	6.1	77.3
3 1/2	42	26	10	-	78	3.2	80.5
4	39	39	19	-	97	4.0	84.5
4 1/2	14	23	19	-	56	2.3	86.8
5	18	19	14	-	51	2.1	88.9
5 1/2	9	22	12	-	43	1.7	90.6
6	37	11	7	-	55	2.3	92.9
6 1/2	18	10	8	-	36	1.5	94.4
7	20	5	4	-	29	1.2	95.6
7 1/2	5	4	2	-	11	0.5	96.1
8	8	8	2	-	18	0.7	96.8
8 1/2	10	-	2	-	12	0.5	97.3
9	4	-	2	-	6	0.3	97.6
9 1/2	6	2	1	-	9	0.4	98.0
10	6	2	-	-	8	0.3	98.3
More than 10	28	14	4	-	46	1.7	100.0
Total	946	734	618	137	2435	100.0	

Almost half the jury payments were for one day or less. Over three quarters of the payment were for three or less days. Those serving one day or less accounted for 15 percent of total juror costs. Those serving three days or less accounted for 42 percent of total juror costs.

Incremental Payment Plan:

Massachusetts has implemented a juror pay plan whereby no one is paid for juror service for the first three days and then all are paid \$40 a day thereafter. The philosophy of this plan is that (1) jury service is a public duty; and (2) when a juror is really inconvenienced, (e.g., long trial), the pay he receives should be high enough to prevent serious financial losses. The additional funds required for compensating these long-term jurors is financed from the amounts previously paid for the first three days.

Because of parking problems in Anchorage and Fairbanks, it would seem unfair to implement that strategy in Alaska without some modification. Let us assume that, instead of no payment, a juror received five dollars a day to cover parking expenses. Table E-7 shows projected annual state-wide jury costs for plans calling for five dollars a day for the first two or three days, then from \$20 to \$50 thereafter.

Table E-7
Projected Jury Costs With Incremental Payment
Subsequent Daily Payment

Strategy	\$20	\$25	\$30	\$35	\$40	\$45	\$50
\$5 1st two days	343,670	413,228	472,282	536,590	600,893	665,201	729,504
\$5 1st three days	238,295	271,127	303,953	336,779	369,610	402,436	435,787

Thus, if we paid jurors only five dollars a day for the first two days, then \$40 a day thereafter, our projected costs would be \$600,893. If we paid only five dollars a day for the first three days, then \$40 a day thereafter, our costs would decrease to \$369,610.

Petit juror costs were \$587,604 in 1976. With the new \$20 a day fee, this figure is projected to rise to \$783,452 in 1977. Using this figure and the data from Table E-7, we can compute expected savings in juror fees using the above incremental payment plans (Table E-8).

Table E-8
Projected Annual Savings With Incremental Payments
Subsequent Daily Payment (\$5 First Two/Three Days)

Strategy	\$20	\$25	\$30	\$35	\$40	\$45	\$50
\$5 1st two days	442,782	374,224	304,170	249,862	185,559	121,251	56,948
\$5 1st three days	548,147	515,325	482,499	450,073	416,842	384,016	350,665

Thus, if we paid \$5 for the first two days and \$50 a day thereafter, we would still save almost \$57,000 a year in petit juror fees. We do not want to save money at the expense of our jurors. Therefore, we seek a "Robin Hood" approach where we merely redistribute our costs so as to better compensate those jurors who are greatly inconvenienced by long periods of actual service. Yet, to increase the supplemental pay per day beyond \$50 seems intuitively to place too great an incentive to serve as a juror for low income or unemployed persons.

Let us then examine what the savings would be if we increased the payment for the first two or three days from \$5 to \$10 (Table E-9).

Table E-9
Projected Annual Savings
With Incremental Payments (\$10 First Two/Three Days)
Subsequent Daily Payment

	\$20	\$25	\$30	\$35	\$40	\$45	\$50
1st two days	352,702	284,144	214,090	159,782	91,265	31,171	-33,132
1st three days	458,077	425,145	392,419	359,993	326,762	293,936	260,585

At \$10 the first two days and \$45 thereafter, we reach the closest point to breaking even. But we still save \$31,000 a year.

Massachusetts' plan for no payment the first three days, then \$40 a day thereafter, is being tested in Cambridge. The original test was scheduled for Boston, but it was moved because of apprehension of public disfavor in that city. We recommend that we observe the results of the Massachusetts test and, based upon its results, consider sometime in 1978 the adoption of an incremental payment plan such as those discussed above.

Payment to State Employees:

In all but the Juneau trial court, we currently mail warrants for payment of service to all jurors including State employees. State employees must then mail the warrant to the Executive branch in Juneau where it is deposited in the general fund. This practice results in increased handling time for the court system and in Juneau. In addition, funds originally placed in the budget of the court system end up in the executive branch. Some six percent of Anchorage jurors responding to exit questionnaires were State employees. If this percent were approximately true statewide, the amounts of jury funds transferred between branches of government would be as high as \$36,000 a year.

In Juneau, the areawide administrator has implemented a policy wherein a State employee is not paid for his jury service unless he or she requests it for a specific reason (e.g., leave was taken for jury service). We recommend that the Juneau policy be implemented statewide, thus reducing our budget for jury costs by some \$36,000 and eliminating the paperwork processing required of State employees and the executive branch.

Summary:

- Losing money while serving as a juror significantly decreases a person's favorable impression of jury service (and possibly of the justice system as well).
- Massachusetts has implemented an incremental payment plan whereby the juror receives nothing for the first three days of service, then \$40 a day thereafter. This plan is being tested in Cambridge.

- Of the possible incremental payment plans we could implement in Alaska, we prefer \$10 a day for the first two days, then \$45 a day thereafter. This is a more liberal plan than that of Massachusetts; yet we would still save \$31,000 a year if it were implemented.
- We recommend that we observe the results of the Massachusetts test and, based upon its results, consider sometime in 1978 the adoption of incremental payment plan such as the one mentioned above.
- In all locations but Juneau, we presently distribute warrants to State employees for jury service. They then return them to the Executive branch in Juneau. Besides the extra processing involved, this causes a \$36,000 inflation in our budget for jury costs. We recommend statewide adoption of the Juneau policy whereby State employees would not be paid for jury service unless there are special circumstances.

APPENDIX A

LOGIC FOR ELIMINATING DUPLICATE NAMES

Jury File

The Jury File is composed of records from three sources: (1) Voters Registration, (2) Fishing and Hunting Licenses, (3) Income Tax. There are identifiers in each file that are used to match and eliminate duplicate records.

<u>ELEMENT</u>	<u>VOTERS</u>	<u>FISH AND GAME</u>	<u>INCOME TAX</u>
Last Name	YES	YES	YES
First Name	YES	YES	NO
First Initial	YES	YES	YES
Middle Initial	YES	YES	YES
Date of Birth	YES	YES	NO
Soc. Sec. Number	YES	YES	YES
Mailing Address	YES	YES	YES

It would appear that Social Security Number could be used to match the three files and eliminate duplicates, however this is not true because Social Security Number is not a required element in the Voters and Fish and Game files and spouses on the Income Tax File are not required to have a Social Security Number. Approximately 24% of the combined records do not contain Social Security Number.

Therefore the following procedure is used to eliminate duplicate records:

1. Match all files by Social Security Number and Last Name or First Initial. Approximately 3,000 records have the same Social Security Number but are different individuals. If the Last Name is the same or the First Initial is the same, the record is merged. This allows for women changing their Last Name through marriage during the year.
2. The Income Tax file is matched to the Drivers file by Social Security Number, Last Name and First Initial. On any matching record, the complete First Name and Date of Birth is transferred from the Drivers File to the Income Tax File.
3. The merged files are sorted to Last Name, First Name, Date of Birth and the numeric digits of Mailing Address. Duplicates are eliminated by the following elements:
 - A. Last Name, First Name, Date of Birth.
 - B. Last Name, First Name, Address Numeric Digits.
 - C. Last Name, First Name, 7 of the 9 digits of the Social Security Number.

4. Experience has shown that Social security Number is not a valid identifier, even if present, because of transpositions of number and individuals using another person's number. Therefore, name, date of birth and the mailing address fields are also used to eliminate duplicates.
5. Each record type contains a date that is used to determine which address is the latest. However, the Voters File date is the original date of registration and not the last address change date. Therefore, in most cases where records match the Voters File, the Voters File address field is not used unless it is a recent registration.

APPENDIX B

COMPUTER RANDOMIZATION TECHNIQUE

Enclosure 1

Random Number Generator For Jury Selection

The random number generation programs provided by IBM are based on the power-residue method. Each random number is set to the remainder obtained by dividing successive powers of the starting number by 2^b where b is the number of bits in one computer word. ($X^n \pmod{2^b}$, $n = 1, 2, 3, \dots$). See IBM manual GC20-8011-0.

The power-residue method as well as the center square method and the Fibonacci Series method are not satisfactory for jury selection since they repeat without generating all of the integers within their range. If a power residue method were allowed to continue it could repeat after selecting only one fourth of the persons on the list. The following rule for generation of numbers is proposed because it produces all the numbers within its range before repeating: Draw some starting number, then always set the next number equal to the remainder obtained by dividing 5 times the last number plus 7 by 2^b where b is chosen so that 2^b is larger than the number of persons on the court's list, (2^b means 2 multiplied by itself b times). Numbers generated that fall outside the sequence numbers of the court would be ignored. This rule will generate all the numbers from 0 through $2^b - 1$.

Example:

Suppose we want to select 8 persons from a list of 25 "b" can be set to 5 since $2^5 = 32$ which is larger than 25. Also suppose we draw "7" as a starting number. The above rule will produce all numbers from 0 through 31 ($2^5 - 1 = 31$). Since there are 25 persons on the list when a number from 26 to 31, or \emptyset is produced it will not be used. Although normally we would stop after selecting the 8 prospective jurors, this example is continued to show that all numbers between 0 and 31 would be produced before the sequence repeats.

1	7	In this case with $b = 5$, our rule becomes:
2	10	Obtain the next random number as the remainder
3	25	of 5 times the last number plus 7 divided by
4	4	32. The second number 10 is obtained as the
5	27	remainder of $5 \times 7 + 7$ or 42 divided by 32.
6	14	Note that jurors are not selected using numbers
7	13	26 through 31 since there are only 25 persons on
8	8	the list.
9	15	
10	18	
11	1	

12	12	
13	3	Prospective juror #1 is 7th on the list
14	22	Prospective juror #2 is 10th on the list
15	21	Prospective juror #3 is 25th on the list
16	16	Prospective juror #4 is 4th on the list
17	23	Prospective juror #5 is 27th on the list
18	26	Prospective juror #6 is 14th on the list
19	9	Prospective juror #7 is 13th on the list
20	20	Prospective juror #8 is 8th on the list
21	11	
22	30	If we had started with 9 as our starting
23	29	number, the prospective jurors would
24	24	be the 9th, 20th, 11th 24th, 2nd, 17th,
25	31	19th and 6th persons on the list.
26	2	
27	17	
28	28	
29	19	
30	6	
31	5	
32	0	Repeat Point
33	7	
34	10	
35	25	
36	4	

If we had set "b" to a larger number (7), the computer would produce random numbers over a larger range. (0 through 127) More computer time would be spent discarding numbers that are larger than any sequence number. It is suggested that the computer set b to the smallest integer such that 2^b is greater than the number of jurors on the file. Different values of b would slightly change the order of selection, but would not affect the probability of a given person being selected.

In summary we repeat the proposed procedure:

1. Specify how many people are to be selected and for which court, they are to be selected.
2. Draw the starting random number. It is suggested that this be done by the Presiding Judge for the court location requiring jury selection.
3. The computer will select the smallest value of b so that 2^b is greater than the number of persons on that court's list. 2^b means 2 multiplied by itself b times. 2^3 equals $2 \times 2 \times 2$ or 8.
4. The computer repeatedly generates random numbers by setting the next random number equal to the remaining obtained by dividing 5 times the last number plus 7 by 2^b .
5. The prospective juror is the person whose sequence number corresponds to the random number.

Random number not corresponding to a sequence number are used in obtaining the next random number but do not select a person. Computer print-outs of the sequence: $R_1, R_2, \dots, R_{n-1}, 5(R_{n-1}+7) \pmod{2^b}, \dots, R_{2^b-1}$ are available for values of b from 1 through 17. With $b = 17$ numbers are generated in the range 0-131, 071. Presently 17 is the largest value we would use for b , since the largest court jury list contains 98, 295 names. The computer lists show that all the integers from 0 through 2^b-1 are generated.

The proposed random number generator can be visualized as producing a circle of juror sequence numbers in haphazard order. Selection of a starting number gives a starting point on the circle. The prospective jurors are those people whose sequence numbers fall along the circle from the starting point.

The probability of a person being selected using the proposed computer system is the same as his probability of being selected in a hand-drawing. In randomly hand drawing m people from a total of n people, the probability of any one person being drawn is m divided by n (m/n). Using the proposed computer system the probability of a person being drawn equals the probability that any of the m numbers preceding and including his number on the circle are drawn as the starting number. The probability that any of these m numbers is drawn as a starting number is m divided by n . (m/n), as long as the box from which the starting number is drawn contains the n sequence numbers of the people on the court list. Thus the probability of a person being selected when m prospective jurors are to be drawn from n people is m/n whether the drawing is done by hand or by the proposed computer system.

APPENDIX C

DETAILED DEMOGRAPHIC DISTRIBUTION FROM JURY MASTER LIST

Anchorage Source List
Female Age Distribution

Age Category	Number	Percent of Total	1970 Census Percent 6.1
19-20	1,960	3.4	6.2
21-24	7,538	14.1	14.7
25-34	19,003	35.6	31.2
35-44	11,408	21.3	23.3
45-54	7,839	14.7	15.9
55-64	4,163	7.8	6.4
65 and over	1,585	3.1	2.3
Total	53,496	100.0	100.0
No Age	327	Average 37.2 Median 34.1	36.6 34.3

Fairbanks Source List
Female Age Distribution

Age Category	Number	Percent of Total	1970 Census Percent 8.3
19-20	643	3.6	8.6
21-24	2,765	15.5	18.4
25-34	6,634	27.1	31.6
35-44	3,486	19.5	19.9
45-54	2,376	13.3	13.2
55-64	1,410	7.9	5.9
65 and over	571	3.1	2.4
Total	17,885	100.0	100.0
No Age	161	Average 36.7 Median 33.3	35.1 32.3

**Juneau Source List
Female Age Distribution**

Age Category	Number	Percent of Total	1970 Census Percent 4.2
19-20	233	3.5	4.3
21-24	840	12.5	10.0
25-34	2,253	33.5	26.7
35-44	1,325	19.7	22.1
45-54	976	14.5	19.0
55-64	697	10.4	11.4
65 and over	411	5.9	6.5
Total	6,735	100.0	100.0
No Age	75	Average 39.0 Median 35.3	40.8 39.1

**Rest of State Source List
Female Age Distribution**

Age Category	Number	Percent of Total	1970 Census Percent 2.
19-20	1,308	3.4	5.4
21-24	4,894	12.8	11.8
25-34	12,262	31.9	28.4
35-44	7,808	20.3	21.6
45-54	5,846	15.2	16.7
55-64	4,018	10.5	10.0
65 and over	2,252	5.9	6.1
Total	38,388	100.0	100.0
No Age	317	Average 39.3 Median 35.6	39.5 37.0

Total State Source List
Female Age Distribution

Age Category	Number	Percent of Total	1970 Census Percent 6
19-20	4,144	3.6	6.2
21-24	16,037	13.8	13.9
25-34	40,152	34.5	30.0
35-44	24,027	20.6	22.2
45-54	17,037	14.6	15.0
55-64	10,288	8.8	7.8
65 and over	4,819	4.1	4.0
Total	116,504	100.0	100.0
No Age	880	Average 37.8 Median 31.4	37.6 35.0

Anchorage Source List
Male Age Distribution

Age Category	Number	Percent of Total	1970 Census Percent 6
19-20	2,915	4.2	6.2
21-24	9,486	13.7	17.3
25-34	24,051	34.7	28.1
35-44	15,137	21.9	23.7
45-54	10,160	14.7	15.8
55-64	5,644	8.2	6.6
65 and over	1,862	2.6	2.3
Total	69,255	100.0	100.0
No Age	290	Average 37.2 Median 34.3	35.8 33.8

Fairbanks Source List
Male Age Distribution

Age Category	Number	Percent of Total	1970 Census Percent 11.7
19-20	1,064	3.7	12.1
21-24	4,084	14.3	27.1
25-34	10,693	37.3	25.8
35-44	5,808	20.3	17.3
45-54	3,900	13.6	10.6
55-64	2,224	7.8	5.4
65 and over	887	3.0	1.7
Total	28,660	100.0	100.0
No Age		Average 36.8 Median 33.6	32.8 25.4

Juneau Source List
Male Age Distribution

Age Category	Number	Percent of Total	1970 Census Percent 4.0
19-20	354	4.5	4.1
21-24	914	11.5	7.9
25-34	2,644	33.2	26.5
35-44	1,645	20.7	23.0
45-54	1,207	15.2	19.0
55-64	748	9.4	13.3
65 and over	451	5.5	6.2
Total	7,963	100.0	100.0
No Age	70	Average 38.8 Median 35.4	41.5 29.0

Rest of State Source List
Male Age Distribution

Age Category	Number	Percent of Total	1970 Census Percent
19-20	1,623	2.9	8.4
21-24	7,056	12.7	15.9
25-34	17,481	31.5	26.7
35-44	11,697	21.1	21.5
45-54	8,527	15.4	10.7
55-64	5,722	10.3	10.3
65 and over	3,364	6.1	6.5
Total	55,470	100.0	100.0
No Age	298	Average 39.5	37.9
		Median 26.4	34.6

Total State Source List
Male Age Distribution

Age Category	Number	Percent of Total	1970 Census Percent 7.6
19-20	5,956	3.7	7.9
21-24	21,540	13.4	18.2
25-34	54,869	34.0	27.1
35-44	34,287	21.3	21.7
45-54	23,794	14.8	13.2
55-64	14,338	8.9	8.1
65 and over	6,564	3.9	3.8
Total	161,348	100.0	100.0
No Age	823	Average 37.9	36.6
		Median 34.7	33.8

**Juneau Source List
Sex Distribution**

Sex	Number	Percent of Total	1970 Census Percent
Female	6,926	45.8	49.1
Male	8,210	54.2	50.1
Total	15,136	100.0	100.0
No Sex Code	1,145		

**Rest of State Source List
Sex Distribution**

Sex	Number	Percent of Total	1970 Census Percent
Female	39,359	40.6	42.4
Male	57,570	59.4	58.6
Total	96,929	100.0	100.0
No Sex Code	10,634		

**Total State Source List
Total Age Distribution**

Sex	Number	Percent of Total	1970 Census Percent
Female	119,456	41.8	44.1
Male	166,140	58.2	56.9
Total	285,596	100.0	100.00
No Sex Code	28,691		

**Anchorage Source List
Sex Distribution**

Sex	Number	Percent of Total	1970 Census Percent
Female	54,803	43.6	46.8
Male	71,003	56.4	53.2
Total	125,806	100.0	100.0
No Sex Code	11,649		

**Fairbanks Source List
Sex Distribution**

Sex	Number	Percent of Total	1970 Census Percent
Female	18,368	38.5	39.5
Male	29,357	61.5	60.5
Total	47,725	100.0	100.0
No Sex Code	5,263		

APPENDIX D

THE ALASKA JURY STATUTE

Chapter 20. Trial.

Article

- 1. Jurors (§§ 09.20.010—09.20.100)
- 2. Witnesses (§§ 09.20.110—09.20.180)

Article 1. Jurors.

Section

- 10. Qualification of jurors
- 20. Disqualification of jurors
- 25. Limitation on jury service
- 30. Exemptions
- 40. Compliance with statute
- 50. Jury list

Section

- 60. Use of jury box
- 70. Public drawing for jurors for panel
- 80. Jury panel
- 90. Impaneling the trial jury
- 100. Verdicts

Sec. 09.20.010. Qualification of jurors. A person is qualified to act as a juror if he is

- (1) a citizen of the United States;
- (2) a resident of the state;
- (3) at least 19 years of age;
- (4) of sound mind;
- (5) in possession of his natural faculties; and
- (6) able to read or speak the English language. (§ 2.01 ch 101 SLA 1962; am § 3 ch 245 SLA 1970)

Cross reference. — See Civ. R. 47(c).

Legislative committee report. — Chapter 245, SLA 1970 (HCSSB 399 am H), was identical to CSHB 406 (Jud.). For report on CSHB 406 (Jud.), see 1970 House Journal Supplement No. 6.

To define the qualification of jurors and prescribe the mode of their selection is a rightful subject of legislation. *Tynan v. United States*, 297 F. 177 (9th Cir.), cert. denied, 266 U.S. 604, 45 S. Ct. 91, 69 L. Ed. 463 (1924).

Quoted in *City of Kotzebue v. Ipa-look*, Sup. Ct. Op. No. 588 (File No. 1033), 462 P.2d 75 (1969).

Am. Jur., ALR and C.J.S. refer-

ences.—31 Am. Jur., Jury, §§ 67 to 101, 121 to 145.

Unfamiliarity with English as affecting competency of juror, 34 ALR 194.

Effect of exclusion of women from jury list, 52 ALR 922.

Intelligence or character test of qualifications of juror, 126 ALR 507.

Religious test of qualifications of juror, 126 ALR 526.

Loyalty test of qualifications of juror, 126 ALR 529.

Women as jurors, 157 ALR 561.

Deafness of juror as ground for impeaching verdict; waiver of objection thereto, 15 ALR2d 534, 537.

50 C.J.S. Juries §§ 134 to 152.

Sec. 09.20.020. Disqualification of jurors. A person is disqualified to act as a juror if he

- (1) has served as a juror in the state within one year of his time of examination for service;
- (2) has been convicted of a felony and his civil rights have not been restored. (§ 2.02 ch 101 SLA 1962)

Cross reference. — See Civ. R. 47(c).

ALR and C.J.S. references.—Criminal charge or conviction as disqualifying juror, 126 ALR 518.

Removal by executive of disqualifi-

cation resulting from conviction of crime as applicable in case of conviction in federal court or court of another state, 135 ALR 1493.

Governing laws as to existence or character of offense for which one

has been convicted in a federal court or court of another state, as bearing upon disqualification to sit on jury, 175 ALR 805. 50 C.J.S. Juries §§ 153, 154.

Sec. 09.20.025. Limitation on jury service. No person may be required to serve more than three months as a juror during any consecutive two-year period. However, if a person is serving as a juror at the conclusion of the three months period, he shall complete the trial then in progress. (§ 1 ch 147 SLA 1968)

Legislative committee report.—For 548 am S), see 1968 House Journal, report on ch. 147, SLA 1968 (CSHB 497.

Sec. 09.20.030. Exemptions. A person may claim exemption and may be excused from service as a juror if it is shown that jury service will cause him to suffer material injury or destruction to his property or to the property entrusted to him, or if his health, the health or proper care of his family, or the sickness or death of a member of his family makes it necessary for him to be excused, or if he is

- (1) a judicial officer;
- (2) any other civil officer of the state or United States whose duties are at the time inconsistent with his attendance or service as a juror;
- (3) an attorney;
- (4) a minister of the gospel or priest of any denomination;
- (5) a teacher in a university, college, academy, or school;
- (6) a practicing physician;
- (7) a practicing dentist. (§ 2.03 ch 101 SLA 1962; am § 1 ch 8 SLA 1964)

Cross reference.—See Civ. R. 47. officers as jurors in criminal cases, ALR and C.J.S. references. — Po- 140 ALR 1183. lice officers or other law enforcement 50 C.J.S. Juries § 153.

Sec. 09.20.040. Compliance with statute. The selection of jurors shall be made in substantial compliance with the following provisions. A failure in substantial compliance which prejudices the rights of a party is reversible error. (§ 2.04 ch 101 SLA 1962)

Cross reference.—See Civ. R. 47.

Sec. 09.20.050. Jury list. (a) At such times as need may require, but not later than March 15 of each year, the administrative director of courts shall prepare for each judicial district a list of the names of the residents of the district who are qualified by law for jury service. If the superior court is located in different cities in the same judicial district, the administrative director shall prepare for each location of the court a list of the names of the qualified residents of that portion of the district considered by him to be appropriate.

- (b) The jury list shall be based on a list of all persons who pur-